

Outer Hebrides Local Development Plan

DRAFT SUPPLEMENTARY GUIDANCE: CARAVANS, HUTS AND
TEMPORARY BUILDINGS

Comhairle nan Eilean Siar

JULY 2021



Figure 1: Map of Area covered by Outer Hebrides Local Development Plan

This Supplementary Guidance provides the detailed framework for Outer Hebrides Local Development Plan, 2018 (LDP) Policy ED3 Caravan, Huts and Temporary Buildings.

Proposals will be assessed against all of the relevant LDP policies (in addition to those within this Supplementary Guidance) these will typically be: LDP Policy DS1 Development Strategy; Policy PD1 Design & Place-making; Policy PD2 Car Parking and Roads Layout; Policy NBH1 Landscape, Policy EI 2 Water and Waste Water, Policy EI 1 Flooding, Policy EI 4 Waste Management.

CONTENTS

INITIAL CONSIDERATIONS

- Do I need Planning Permission?
 - Do I have the right development type?
 - What other considerations do I need to think about?
-

RESIDENTIAL CARAVANS

- Policy 1** Residential Caravan - Urgent Need
 - Policy 1A** Residential Caravan - Prior to Building a House
 - Policy 1B** Residential Caravan Sites for Housing
-

HOLIDAY CARAVANS

- Policy 2** All Holiday Caravans
 - Policy 2A** Caravans for Holiday Lets
 - Policy 2B** Touring and Camping Sites
-

TEMPORARY BUILDINGS

- Policy 3** Temporary Buildings
-

HUTS

- Policy 4A** Recreational Huts
 - Policy 4B** Non Residential Huts
-

- ANNEX A** General legislative provision of the Caravans Acts
- ANNEX B** Information on when Planning Permission is required
- ANNEX C** Enforcement
- ANNEX D** Extracts from the Caravan Site License
- ANNEX E** Useful Contacts and Further Information

INITIAL CONSIDERATIONS

Do I need Planning Permission?

The stationing of a caravan, hut or temporary building on land for any period of time is classed as 'development' and requires planning permission. In a discreet number of circumstances there may be 'permitted development rights' that means that permission is not required, however these conditions are complex and you are advised to seek the advice of the Planning Service before exercising such rights as any breach would result in enforcement action and it is your responsibility to establish whether planning permission is required.

Caravans, huts and temporary buildings do not have the permitted development rights associated with dwelling houses and planning permission will therefore be required for all associated development such as garages, decking etc. including any alterations to existing structures. Annex B provides more detail on planning permission and permitted development rights.

Pre-application Advice

Applicants are strongly advised to commence pre-application discussions with the planning authority (Comhairle nan Eilean Siar) and other relevant agencies at the earliest possible stage to discuss all relevant considerations. This approach will help improve efficiency and reduce the risk of significant issues emerging later in the process.

For pre-application planning advice (free) please contact the Comhairle's Planning Service on 01851 822 690 or email planning.advice@cne-siar.gov.uk

Please see Annex E for other useful contacts and further information.

Supporting Information

You will require plans, maps, an additional information form (for caravans) and any other pre-requisite information as directed by the Planning Service, to support your planning application. The Planning Service can provide guidance on what you will be required to submit if you seek pre-application advice.

Do I have the right development type?

Your proposal must meet the definition of the development type you are applying for:

- Caravan** Many types of units, such as pods, static caravans and mobile homes can meet the definition of a ‘caravan’ for planning purposes but in order to do so they must all meet a number of requirements. Annex A provides full details on the legal definition in relation to this and the Planning Service can advise but essentially to be classed as a ‘caravan’ a unit must: have been designed or adapted for human habitation; must be able to retain the element of mobility (i.e. be capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) in one or two sections); be shown to be capable of being dismantled into no more than two sections; and, when assembled, will not exceed the dimensions of length (20m) width (6.8m) and internal floor to ceiling height (3.05m). If your proposal will not meet the required definition it cannot be classed as a ‘caravan’ and will be classed as a building in terms of the law.
- Caravan Site** The legal definition of a ‘caravan site’ is *‘...land on which a caravan(s) is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan(s) is so stationed.’* Annex A provides full details on the legal definition and legislation of a caravan site.
- Hut** There are two types of huts considered in this Supplementary Guidance, they are: ‘Recreational Hut’ (a new consideration for Planning introduced by Scottish Planning Policy in 2014) and ‘Non-Residential Hut’ (e.g. for land management purposes such as fishing hide). A proposal must meet a number of criteria to be considered as either of these and the definitions are outlined in more detail in the context to policies 4A and 4B.
- Temporary Buildings** Planning permission is required for temporary buildings, unless permitted development rights have been conferred for non-residential structures that are required temporarily in connection with work on site or adjacent land. Annex B provides further details on such permitted development rights.

RESIDENTIAL CARVANS

Caravans are temporary structures that cannot be permanently fixed to the ground and are not considered to be suitable living environments for long term residential use in the Outer Hebrides. The design, materials, and finishes of caravans limit their potential for integration into open landscapes, and due to the climate and exposure in the islands they typically deteriorate faster than their lifespan. This can detract from public and neighbour amenity and unless effectively managed, can lead to adverse landscape and visual impacts and to environmental dereliction.

There are a number of exceptional circumstances where residential caravans will be permitted to offer a temporary solution to permanent housing and these are detailed in the policies below.

Policy I: All Residential Caravan Types

In addition to meeting the relevant policies 1A-C on page 6, all 'residential caravan' types will be required to demonstrate:

- a) the provision of satisfactory and safe road access and car parking. 'Residential Caravans' have the same parking standard as a 'dwelling house' in Appendix 3 of the Outer Hebrides Local Development Plan;
- b) the siting respects the character and amenity of the surrounding area;
- c) acceptable provisions for domestic water, foul drainage and refuse disposal facilities;
- d) the development is outwith areas of flood risk and no additional flood risk will arise as a consequence of the development (for coastal areas this is outwith the 1 in 1000 year flood level and for areas next to rivers or small watercourses this is outwith the 1 in 1000 functional plain);
- e) the development can take place without damage to the foreshore / machair and will not take place within 6m of the banks of a watercourse.

Policy IA: Residential Caravan – Exceptional Need

There is a strong presumption against the use of residential caravans and mobile homes as residences and they will only be permitted in exceptional circumstances of exceptional need to offer a temporary solution to permanent housing.

Proposals will be assessed against and will require to demonstrate the exceptional circumstances that justify the development.

Planning consent will be restricted up to a maximum of 5 years and will be conditional on removal of the caravan and reinstatement of the site at the expiry of this period. It is unlikely that a further planning permission will be granted beyond the 5 year period.

Policy IB: Residential Caravan – Prior to a House Build

Proposals for the siting of a residential caravan for habitation on a consented house site during the construction period will only be permitted in certain circumstances where detailed planning permission for a new dwelling has already been granted or is concurrent with seeking the siting of a caravan.

Planning consent for the caravan will be restricted to a maximum of 2 years commencing no earlier than 4 weeks prior to the date of commencement of the new house, unless otherwise agreed by the Comhairle.

The caravan must be located on or adjacent to the site for which detailed planning permission exists and only at a nearby location if better screening and less landscape impact can be achieved. Removal of the caravan and reinstatement of the site at the end of the 2 year period will be a condition of the permission.

Policy IC: Residential Caravan Sites for Housing

New caravan sites for residential use will only be permitted in the following exceptional circumstances:

- a) to accommodate temporary workers during construction of a specific development; or
- b) to meet the needs of travelling people.

In the cases of temporary construction site accommodation, removal of the structures and restoration of the site will be required on completion of the development.

HOLIDAY CARVANS

Tourism is a key and growing sector of the economy of the Outer Hebrides. In recent years there has been an increase in the types of holiday accommodation available, particularly in those that may also fall under the definition of a 'caravan' such as pods and shepherds' huts. The aim of this policy is to facilitate growth in this sector through sensitive and unobtrusive development without compromise of the amenity and environment of the islands.

A significant increase in the number of visitors coming to our islands in recent years has brought new infrastructure challenges and development should enable visitors to dispose of their waste responsibly and reduce risks of environmental pollution.

This section details two policies which cover tourism accommodation that fall under the definition of a caravan / caravan site.

Policy 1: All Holiday Caravans

In addition to meeting the relevant tests of policies 2A-B on page 8, all tourism accommodation proposals that fall under the definition of a caravan/ caravan site will be required to demonstrate:

- a) the provision of satisfactory and safe road access and car parking (the parking standard is 1 space per unit, where a unit caters for no more than 4 persons).
- b) the siting and design respects the character and amenity of the surrounding area and it is within the capacity of the local environment and infrastructure;
- c) acceptable provisions for domestic water, foul drainage and refuse disposal;
- d) the development is outwith areas of flood risk and no additional flood risk will arise as a consequence of the development (for coastal areas this is outwith the 1 in 1000 year flood level and for areas next to rivers or small watercourses this is outwith the 1 in 1000 functional plain);
- e) the development can take place without damage to the foreshore / machair and will not take place within 6m of the banks of a watercourse.

Policy 2A: Caravans for Holiday Let

Planning permission for 'caravans' to be stationed for holiday letting will only be granted permission where all the following can be met:

- c) the number of 'caravans' and their scale is respectful of the landscape character, topography and settlement pattern;
- d) the proposal should not be visually prominent in the landscape, avoiding skylines, prominent hillsides and exposed sites;
- e) no unacceptable adverse impact on important landmarks and vistas; only sites that are well screened from key viewpoints by existing landform or landscape features are likely to be suitable;
- f) materials are of a high quality and the design and external appearance (including colour) is environmentally and culturally sensitive and appropriate to the setting;
- g) where appropriate, suitable screen planting, fencing, or perimeter landscaping is established;
- h) use is restricted to holiday lets to a maximum of 28 days in one occupation with no return within 28 days.

Consent will be limited to 5 or 10 years as determined by the Planning Service.

Policy 2B: Touring Caravan and Camping Sites

Proposals for touring caravan and camping sites will be acceptable where all the following can be met:

- a) it is proportionate in scale to its location and setting, and will not result in an over concentration of sites in any one locality to the detriment of the landscape or residential amenity;
- b) outwith main settlements, the layout should be open plan and without formally defined curtilages between units;
- c) access to the site has been designed to allow safe movement of large vehicles and towed units to and from the site and the public highway; hard surfacing across the site should be kept to a minimum;
- d) the location of development should enable the responsible disposal of waste without harm to the environment. An agreed option for water connection and

waste water disposal should be confirmed with Scottish Water (and SEPA if appropriate) prior to applying for planning permission.

- For small touring caravan sites (of no more than 5 pitches) where onsite waste water disposal is found to be technically unfeasible, minimal facilities may be permissible (e.g. stand pipe and refuse disposal bins) if there are adequate publically accessible waste water disposal points in the locality. In such cases, signage must be provided on site stating that only vehicles with their own sanitary facilities are permitted and that they must dispose of their waste water responsibly at the nearest disposal point as it is an offence to do so into a watercourse, surface drain or groundwater. The signage should also detail available waste water disposal points.
- e) for sites on coastal, machair or agricultural land, exposed sites or those susceptible to damage, consent will be limited to use between 01 April to 30 September;
- f) ancillary facilities are sympathetically designed and sited and achieve the sanitary provision standards set out in the table below. The use of temporary buildings, (while permanent facilities are being built) to provide sanitary facilities will be subject to a temporary consent.

No of Pitches		Sanitary and Hygiene Provision
1)	0-5 (<i>only for touring caravans sites – no tents</i>)	In certain circumstances (please see point d above) it may be permissible for small touring caravan sites (of no more than 5 pitches) to have no on-site sanitary and hygiene provision, subject to prior agreement with the Planning Service.
2)	1-10 <i>*except where it complies with (1)</i>	1 unisex WC & 1 wash hand basin 1 unisex shower Dish washing facility
3)	11-20	1 male and 1 female WC each with a wash hand basin 1 male and 1 female shower Dish washing facility
4)	21 plus	For each 30 or part thereof:- 2 WCs and wash hand basin for each gender (or for males 1 WC & 1 urinal instead of 2 WCs) 2 showers for each gender Dish washing facility

TEMPORARY BUILDINGS

The use of temporary buildings (including containers) on open or agricultural land and industrial sites has increased. The aim of the policy is to manage the use of these structures on a temporary basis without compromising the visual amenity of the area while permanent solutions are found.

Policy 3: Temporary Buildings

Details of the proposed use of the temporary buildings must be submitted as part of the planning application. Proposals for the siting of temporary buildings adjacent to housing or on agricultural land will only be acceptable where:

- a) the temporary building and its proposed use does not have a detrimental effect on neighbour or visual amenity; structures may require to be painted, clad or altered by other means to achieve this;
- b) any consent will be conditional on the temporary building and its site being maintained to the satisfaction of the Comhairle; and
- c) for coastal sites, structures are located above the 1 in 200 year flood level; for sites next to rivers or small watercourses, above the 1 in 200 functional plain and outwith 6m of the banks of the watercourse. If the use is considered 'water compatible', flood resilient design and methods of construction should be applied to reduce the impacts should flooding occur.

In addition to the criteria above proposals for the siting of temporary buildings, including containers, within industrial sites, at piers, harbours and similar locations will only be acceptable where the Comhairle considers that the development should be supported because the use is justified by social or economic benefits. The developer should submit a statement that allows an assessment to be made.

Permission will be for a period not exceeding five years unless evidence can be submitted as to the age and lifespan of the temporary building or container in which case a permission of longer duration may be granted at the discretion of the Comhairle.

HUTS

This section details policies which cover structures that fall under the definition of a 'recreational hut', and a 'non-residential hut'. The definitions are outlined below:

'Recreational Hut'

Recreational huts offer an opportunity of improving access to the countryside and wellbeing for all but it is important that these structures are in keeping with the low impact, ecologically sustainable and affordable ethos of 'hutting' and that the landscape can accommodate them.

The commercial use of recreational huts for holiday letting is not permitted under this policy.

For the purposes of this policy and in line with the OH-LDP (2018), 'recreational huts' may only be permitted in 'Outwith Settlement'* areas and are defined as:

"A simple building used intermittently as recreational accommodation (i.e. not a principal residence), having an internal floor area of no more than 30m²; constructed from low impact materials, generally not connected to mains water, electricity or sewerage and built in such a way that it is removable with little or no trace at the end of its life. Shipping containers, caravans, portacabins and buildings made with high ecological or visual impact (e.g. breeze blocks) are not accepted as 'huts'."

'Non-residential Hut'

For the purposes of this policy and in line with the OH-LDP (2018) 'non-residential huts' in 'Outwith Settlement'* and 'Remote Areas'* are defined as:

"A simple building with no residential use (i.e. overnight accommodation is not permitted). Constructed from low impact materials, not connected to mains water, electricity or sewerage and built in such a way that is removable with little or no trace at the end of its life. Shipping containers, caravans, portacabins and buildings made with high ecological or visual impact (e.g. breeze blocks) will not be classed as a non-residential hut."

Policy 4A: Recreational Huts

Development proposals for new, and alternations to existing, 'recreational huts' will only be granted permission where all of the following can be met:

- a) the proposal conforms with the definition of a 'recreational hut' as outlined in the OH-LDP (2018) and is located within an 'outwith settlement'* area;
- b) the proposal is for intermittent recreational use by the owner and not for commercial use; restrictions to this effect will be implemented by the use of planning condition/s on approved applications;
- c) the development is outwith areas of flood risk and no additional flood risk will arise as a consequence of the development (for coastal areas this is outwith the 1 in 1000 year flood level and for areas next to rivers or small watercourses this is outwith the 1 in 1000 functional plain);
- d) the development can take place without damage to the foreshore / machair and will not take place within 6m of the banks of a watercourse;
- e) The landscape can accommodate the proposal without detriment to the local character or amenity and the proposal adheres to the principles of low impact, unobtrusive and sustainable development in terms of:
 - **Siting:** the proposal should not be visually prominent in the landscape, avoiding skylines, prominent hillsides or exposed sites. Only sites that are well screened from major viewpoints and vistas by existing landform or landscape features, are likely to be suitable. The proposal should be located within reasonable walking distance of a public transport route (<1.5 miles) and will only be acceptable outwith this where it can be demonstrated that there will be no adverse impact on the environment and landscape.
 - **Design:** the proposal should visually integrate with its surroundings and contributes to the amenity of the area; the form and proportion should be simple, and ideally reflect appropriate elements of Hebridean architectural traditions. There may be scope for more innovative, contemporary design, providing it is appropriate for the setting and true to the 'low impact' nature of hutting. The colour palette should be environmentally and culturally sensitive and appropriate to the setting.
 - **Materials:** the materials used should help the building integrate with its natural surrounding; they should reflect the 'low impact' nature of hutting and

the use of natural, recycled or reclaimed materials, minimally processed with a low carbon footprint is most likely to achieve this. The use of corrugated metals for roofing or cladding may be appropriate where it is in keeping with traditional airigh (sheiling) vernacular of the area.

- **Access and Parking:** The formation of paths to and from huts should be kept to a minimum. Details of parking arrangements should be submitted with the application and applicants will be expected to demonstrate that the proposed parking is safe, does not block access and any relevant agreements are in place.
- **Servicing:** it is anticipated that the hut will be off-grid and not connected to mains water, electricity or sewerage. Rainwater harvesting systems will be supported. Arrangements for dealing with all waste, including organic, recyclable and non-recyclable should be set out in the application.
- **Landscaping:** Existing trees and landscape features should be retained and integrated into the development. Where new planting is proposed, it should consist of native tree species.

Small groupings of huts may be appropriate provided they will not have an unacceptable cumulative impact on the landscape, natural environment and amenity value of the area.

Consents will be time limited to 10 years unless otherwise determined by the Comhairle.

Policy 4B: Non-Residential Huts

Development proposals for new, and alternations to existing, non-residential huts will only be granted permission where all of the following can be met:

- f) the proposal conforms with the definition of a 'non-residential hut' as outlined in the OH-LDP (2018) and is located within an 'outwith settlement' * or remote area*;
- g) the proposal can demonstrate a clearly justified need for development in that location or be for land management purposes;
- h) the proposal is unobtrusive in the landscape and adheres to the principles of low impact, sustainable development in terms of design materials, construction and access;
- i) the development is outwith areas of flood risk and no additional flood risk will arise as a consequence of the development (for coastal areas this is outwith the 1 in 200 year flood level and for areas next to rivers or small watercourses this is outwith the 1 in 200 functional plain) and the development can take place without damage to the foreshore / machair and will not take place within 6m of the banks of a watercourse; this is unless the land use is considered to be water compatible in respect to flood risk (e.g. fishing hut) where in such cases flood resilient design and methods of construction should be applied to reduce the impacts should flooding occur.

Consents will be time limited to 10 years unless otherwise determined by the Comhairle.

ANNEX A

GENERAL PROVISIONS & INTERPRETATION

Definition of a caravan

Section 29 (1) of the Caravan Sites and Control of Development Act 1960 ("The 1960 Act") defines a caravan as:

"... any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted [but does not include any railway rolling stock ... or any tent]"

Section 13 (1) of the Caravan Sites Act 1968 ("The 1968 Act") (as amended 2019) also applies and provides that:

"A structure designed or adapted for human habitation which is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)' is a 'twin-unit' caravan provided it does not exceed the following maximum dimensions:

A	Length (exclusive of any drawbar)	65.616 feet (20 metres)
B	Width	22.309 feet (6.8 metres)
C	Overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level)	10.006 feet (3.05 metres)

Definition of a Caravan site

Part 1 – Section 1(4) of the 1960's Act defines a caravan site as:

"...land on which a caravan(s) is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan(s) is so stationed."

ANNEX B

PLANNING PERMISSION & PERMITTED DEVELOPMENT RIGHTS

Planning Permission

Planning Permission is required for ‘**Development**’ unless a ‘Deemed Planning Permission’ is granted by virtue of the provisions of the General Permitted Development (Scotland) Order 1992.

Section 26 of the Town & Country Planning (Scotland) Act 1997 defines ‘development’ to mean – ‘the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land, or the operation of a Marine Fish Farming in the circumstances specified in Section 26AA’.

The use of land as a ‘caravan site’ is considered to be a ‘Change of Use’ of Land.

If building and or engineering works are required to make land suitable for use as a caravan site then these works will in most cases require planning permission e.g. site leveling, creation of access or construction or alteration of buildings.

Permitted Development Rights

The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 grants permitted development rights subject to compliance with the general provision of the Order and regulations 60 to 63 of the Conservation (Natural Habitats, & c.) Regulations 1994.

Permitted rights are complex and are likely to be subject to change during the term of this Plan. Developers are strongly advised to seek the advice of the Planning Service before exercising any Permitted Right.

Part 4, Class 15 permits:

“The use of land (other than a building or land within the curtilage of a building) for any purpose, except as a caravan site or an open air market, on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use”.

The stationing of a caravan on land for any period of time is “development” requiring planning permission as defined by Section 26 of the Town and Country Planning (Scotland)

Act 2007 unless planning permission is deemed to be granted for the proposed activity in terms of the Permitted Development Order.

Part 5, Class 16 and 17 permits:

“the Use of Land as a caravan site in the circumstances specified”.

The specified circumstances are broadly summarised below for guidance only. They include but are not limited to those specified in Paragraphs 2 to 10 of Schedule 1 of the Caravan Sites and Control of Development Act 1960 (as amended by the Caravan Sites (Exemption from Licensing) (Scotland) Order 1961 and Section 13 (1) of the Caravan Sites Act 1968).

- Use of land by a person travelling with a caravan for one or two nights for a period not exceeding twenty-eight in a year, if during that period no other caravan is stationed for the purposes of human habitation on that land or any adjoining land in the same occupation.
- Use of holdings of two* acres or more for the stationing of not more than three caravans at any one time of land which comprises, together with any adjoining land which is in the same occupation and has not been built on, if the use in question falls in the period* between the first day of April and the last day of September in any year (*this provision contains amendments by the Caravan Sites (Exemption from Licencing) (Scotland) Order 1961).
- Use of land (or adjoining land) on which building or engineering operations are being carried out for the accommodation of a person or persons employed in connection with the building and engineering operations (for which planning permission has been granted).
- Agricultural and forestry workers - use as a caravan site during a particular season of a person or persons employed in farming operations or forestry operations on land in the same occupation.
- Sites occupied and supervised by exempted organisations (certificate of exemption granted under paragraph 12) if the use is for purposes of recreation and is under the supervision of the organisation.
- The use as a caravan site of land where there is in force a certificate issued by an exempted organisation, of not more than five caravans are at the time stationed for the purposes of human habitation on the land to which the certificate relates. The exempted organisation must issue a certificate stating that the land has been approved by the exempted organisation for use by its members for the purposes of recreation e.g. sites certified by the Caravan Club of Great Britain for use by

members of that club i.e. a certified location. The certificate should specify the date on which the exemption comes into force and the period for which it is to continue in force, being a period not exceeding one year.

- The use of land as a caravan site if the use is under the supervision of an exempted organisation and is in pursuance of arrangements made by that organisation for a meeting for its members lasting not more than five days.
- The use of land as a caravan site by a travelling showman who is a member of an organisation of travelling showmen which holds for the time being the required certificate and who is, at the time, travelling for the purposes of his business or who has taken up winter quarters on the land with his equipment for a specified period.

Part 4 – Temporary Buildings and Uses

Class 14

- 1) The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.
- 2) Development is not permitted by this class if-
 - a. the operations being or to be carried out are mining operations; or
 - b. planning permission is required for these operations but has not been granted or deemed to be granted.
- 3) Development is permitted by this class subject to the conditions that, when the operations have been carried out:
 - a. any building, structure, works, plant or machinery permitted by this Class shall be removed; and
 - b. any adjoining land on which development permitted by this Class has been carried out shall, as soon as reasonably practicable, be reinstated to its condition before that development was carried out.

ANNEX C

ENFORCEMENT

The stationing of a caravan on land for any period of time, is “development” requiring planning permission as defined by Section 26 of the Town and Country Planning (Scotland) Act 2007, unless planning permission is deemed to be granted by The Town and Country Planning (General Permitted Development) (Scotland) Order. Any unauthorised change of use of land may be the subject of the Comhairle’s Planning Enforcement procedures.

The Comhairle has statutory powers to investigate breaches of planning control and to take formal enforcement action where a satisfactory outcome cannot be achieved by negotiation.

In investigating and undertaking enforcement duties, the Comhairle has statutory powers to enter land to:

- establish if there has been a breach of planning control;
- check if there has been compliance with a formal notice;
- check if a breach has been satisfactorily resolved.

This power applies to any land and may involve Comhairle officials entering land adjacent to the site of the breach.

Where a satisfactory outcome cannot be achieved by negotiation, the main option available to the Comhairle is the service of an Enforcement Notice.

Enforcement Notice - this power is generally used to deal with unauthorised development. An Enforcement Notice will specify the following:

- a notification period before it comes into effect (a minimum of 28 days);
- the steps that must be taken to remedy the breach;
- a further period (known as the compliance period) which is set by the planning authority and gives the recipient time to carry out any work required to comply with the notice;
- rights of appeal against an enforcement notice and date to appeal by.

There is no minimum or maximum period so long as the amount of time allowed is reasonable and reflects the amount of work that may need to be undertaken. There are rights of appeal against an enforcement notice and, if an appeal is made, the terms of the notice are suspended until a decision is reached.

Failure to comply with an Enforcement Notice within the time specified is an offence and may lead to a fine of up to £20,000 in the Sheriff Court. Alternatively, the planning authority may decide to serve a Fixed Penalty Notice. Failure to comply may also result in the Comhairle taking Direct Action to correct the breach.

Further information on the enforcement process can be viewed at <https://www.cne-siar.gov.uk/planning-and-building/planning-service/enforcement-of-planning/>

ANNEX D

EXTRACTS FROM THE CARAVAN SITE LICENCE

Density

Site density shall not exceed 75 units per hectare (30 units per acre) calculated on the usable area (i.e. excluding lochs, roads, communal services and other areas unsuitable for the siting of caravans). This applies to sites with a mixture of touring caravans and tents.

Space Between Units

The minimum distance between units which are separately occupied shall be 6 metres, measured from the exterior cladding of caravans. No units shall be less than 5m from the main road edge or 3 metres from the site boundary.

Boats and other equipment may only be parked between units if the site operator has carried out a satisfactory documented risk assessment previously approved by the Comhairle.

Some intrusions into the 6-metre space are permissible:

- porches by up to one metre if they are of the open type;
- awnings provided there is a clear space of 3 metres, the awning is not opposite another awning and it is not used for sleeping accommodation;
- eaves, drainpipes and bay windows, provided the total distance between the extremities of 2 adjacent units is not less than 5.25 metres; and
- vehicles may be parked between units provided the doors to caravans are not obstructed and there is a clear space of 3 metres from an adjoining unit.

Roads, Vehicle Gateways and Footpaths

Roads shall:

- a) be provided of suitable materials;
- b) be provided so that no caravan standing is more than 45 metres from a road;
- c) be designed to give adequate access for emergency vehicles;
- d) be not less than 5.5 metres wide if a two-way system, or 3.7 metres wide with passing places, or 3 metres wide if a clearly marked one-way system;
- e) be suitably lit at night as necessary;
- f) have no overhead cables less than 4.5 metres above the ground; and

- g) be kept clear for emergency vehicles at all times.

Tented Camping near to Touring Caravans

Where operators wish to allow groups of tents on pitches between caravans, the following will apply:

- a) up to six tents accommodating no more than twelve people (including children), known to each other and forming a group who book together, are allowed to form one pitch. People in the group should be informed and consent to forming a group as a prior condition of camping. Tents not used for accommodating people will still be counted within the group maximum of six;
- b) each tent should be a minimum of two metres from any other tent in the group (as measured from the closest point of the fabric of the tent, including any awning or other structure). Where a canvas type tent is used within a group then the separation distance around such a tent should be four metres;
- c) there should be a 'separation distance' of six metres between the outer tents or structures in one group and those of another, in any direction as well as from any caravan;
- d) emergency vehicles shall have access at all times to within 90 metres of any unit.

ANNEX E

USEFUL CONTACTS AND FURTHER INFORMATION

Comhairle nan Eilean Siar

- Contacting the Planning Service
<https://www.cne-siar.gov.uk/planning-and-building/planning-service/planning-service-contact-details/>
- Planning Application Guidance
<https://www.cne-siar.gov.uk/planning-and-building/planning-service/planning-applications/planning-application-guidance/>
- Contacting Buildings Standards
<https://www.cne-siar.gov.uk/planning-and-building/building-standards/building-standards-contact-details/>
- Buildings Standards Guidance
<https://www.cne-siar.gov.uk/planning-and-building/building-standards/guidance-leaflets/>
- Environmental Health - Information for Campers and Caravans
<https://www.cne-siar.gov.uk/business/consumers-and-the-environment/environmental-health/information-for-caravan-and-campervan-users/>
- Environmental Health - Caravan Site License
<https://www.cne-siar.gov.uk/business/consumers-and-the-environment/licensing/licences-and-permits/licensing-caravan-site-licence/>

Scottish Water

- Development Services
<https://www.scottishwater.co.uk/business-and-developers/connecting-to-our-network/connections-contact-us>
- Campervan Waste Guidance
<https://www.scottishwater.co.uk/about-us/news-and-views/2020/12/021220-campervan-waste-guidance-launched>

SEPA

- Flood Risk, Land Use Vulnerability and Waste Water Discharge Guidance
<https://www.sepa.org.uk/>

Reforestation Scotland

- Huts Resource Hub
<https://www.thousandhuts.org/>

Duty of Care – Your Waste Responsibilities

<https://www.netregs.org.uk/environmental-topics/waste/duty-of-care-your-wasteresponsibilities/>