

LABSS INFORMATION PAPER INFOP18 – 2017 Version 4 – 31 October 2017

INTERPRETATION AND SCOPE OF THE DEFINITION OF A CARAVAN OR MOBILE HOME

Applicable to

Domestic and Non-Domestic Buildings in relation to

Regulation 3 Clause 0.3.2 Schedule 1 Table 0.1 Exempted buildings and services, fittings and equipment
Building Type 12 - A caravan or mobile home within the meaning of the Caravan Sites and Control of
Development Act 1960, or a tent van or shed within the meaning of Section 73 of the Public Health
(Scotland) Act 1897.

BACKGROUND

An enquiry was received regarding need for a Building Warrant to site “portacabin” type buildings /Caravans on land that was not a registered caravan site. This paper provides guidance on the need for a warrant and therefore the need for compliance with Standards. It also confirms that “portacabin” type buildings regardless of where they are sited are out with the definition of a caravan or mobile home and consequently will always need a warrant unless otherwise exempted by Regulation 3 and/or Regulation 5.

DECISION

LABSS supports the view that it may be in the interests of each authority to seek their own legal advice on the interpretation of the scope and definition of a caravan. However, from the feedback received the undernoted conclusions are suggested for adoption:

1. A “caravan” includes a “mobile home” which is either totally moved with its own wheels, as in the case of mobile and static caravans, AND a mobile home which is capable of being transported either as a complete unit or in sections,
2. If such buildings are erected on a licensed site under The Caravan Sites and Control of Development Act 1960 then they are exempted from the need for a building warrant and from the requirements of the Mandatory Standards.
3. If such buildings are erected on any site NOT under **The Caravan Sites and Control of Development Act 1960** then they are exempted from the need for a building warrant and from the requirements of the Mandatory Standards because they fall within the definition of a “caravan” or mobile home”
4. Any other portable building falling out with the definition of a “caravan” whether used for non-residential purposes or residential purpose, for example, on an industrial site would not be so exempt and must comply with the Mandatory Standards and would need a warrant unless falling within any other of the exempted classes of Schedule 1 Regulation 3 or Schedule 3 Regulation 5.
5. Any wastewater disposal system serving such buildings will need a warrant and should comply with Standards.

Footnote:

For the purposes of the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968 and the Mobile Homes Act 2013:

Section 29 of Caravan Sites and Control of Development Act 1960:

“caravan” means 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—

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
- (b) any tent;

Caravan Sites Act 1968 Section 13 – definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006

(1) A structure designed or adapted for human habitation which—

- (a) 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
- (b) 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), shall not be treated as not being (or as 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 so moved on a highway when assembled.

(2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression “caravan” shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—

- (a) length (exclusive of any drawbar): 60 feet (18.288 metres);
- (b) width: 20 feet 6.096metres);
- (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).

(3) The [Secretary of State] may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order.

A NOTE OF PENDING CHANGES FOLLOWING A SCOTTISH GOVERNMENT CONSULTATION:

A Scottish Government consultation on Mobile Homes which contained a recommendation to increase the size allowed under the Act. The consultation appears to be closed now but Increasing caravan dimensions was not integral to the new licensing system and this area of the consultation has been set aside for a time, it is not something that can be done quickly as secondary legislation is required.

NOTE: From Better Homes Division of Scottish Government.

Occasionally officials receive enquiries about the permitted dimensions of a caravan although it has not been raised as a significant issue in the past. We plan to give this work closer attention in our 2018 work programme. We consulted on this issue as part of the wider consultation on mobile home sites regulations in 2016 and the responses were broadly supportive. Making an order to change the definition of a caravan would require some development work with policy and legal colleagues followed by Ministerial and Parliamentary approval.

References:

The Caravan Sites and Control of Development Act 1960
The Caravan Sites Act 1968
The Building (Scotland) Regulations 2004
Mobile Homes Act 2013