



Title of meeting: Cabinet Member for Housing and Tackling Homelessness

Date of meeting: 24th July 2024

Subject: Portsmouth City Council's Park Homes Policy 2024

Cabinet Member: Councillor Darren Sanders, Cabinet Member for Housing and Tackling Homelessness

Report by: James Hill - Director for Housing, Neighbourhood and Building Services

Report Author: Sam Rickeard - Housing Regulation Manager

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

1.1. The purpose of the report is to present the findings of the recent park homes policy consultation and make recommendations for implementation of this policy within the park homes service (Private Sector Housing).

2. Recommendations

2.1. That the Cabinet Member for Housing and Tackling Homelessness approve the Portsmouth City Council's Park Homes Policy (Appendix 1) and instructs officers to consult with residents on amendments to the written statements for Cliffdale Gardens and Henderson Park to align the written statements to the new policy.

2.2. The Cabinet Member for Housing and Tackling Homelessness approves the adoption of this policy upon completion of the amendments to the written statement, subject to no material changes being necessary following the consultation on the written statement. Until the formal process for updating the written statement is complete the policy will not be formally adopted.

2.3. That the Cabinet Member for Housing and Tackling Homelessness instructs officers to carry out works highlighted within this report to formalise park home plot plans so that residents are clear on their plot boundaries and the council remains compliant with their legal obligations.

3. Background

- 3.1. Portsmouth City Council is the landowner of two residential park home sites: Cliffdale Gardens and Henderson Park. The residents of these sites are private owner occupiers who own their park homes and rent their plots from the local authority for a weekly charge.
- 3.2. The Council currently manages its park home sites in line with several legislative requirements and prescribed standards. Residents of park home sites have a written statement which provides them with the terms under which they may rent the plot from the Council. The written statement can be broadly considered the rules that residents and the council must adhere to. To manage the collective risk at park home sites, especially regarding fire safety, specific requirements regarding building works, temporary structures and stored items must be met.
- 3.3. The current process for determining whether works can be approved relies heavily upon residents supplying information to the Council regarding any proposed changes and seeking express consent before any works take place. Residents are not currently furnished with the Councils' requirements in relation to most typical build or alteration requests, nor how the Council reaches a determination on whether to give permission or not. The process can often be unclear and burdensome for residents and the Council in responding to individual requests. This includes common day-to-day matters such as improvement works and alterations to the home and individual plots.
- 3.4. Introducing a written policy will make the Council's requirements clear for residents, so that works are carried out in line with the correct standards and can take place without needing to seek consent from the park homes management team. The policy makes clear that in some circumstances planning consent will be required.
- 3.5. The policy also includes helpful information as guidance regarding how the Council manages park home sites, such as obtaining planning permission, buying and selling a park home, site maintenance and upkeep.
- 3.6. The policy does not change any of the rules or requirements as detailed within residents written statements, which forms the legal agreement between residents and the Council, in addition to outlining the occupier and landowner obligations. This will not introduce any changes to how the council manages sales, including not charging a sales commission, and is intended to inform current and prospective park home residents. The policy does not amend or interfere with planning permission requirements and informs residents of the need to seek planning consent in most cases.
- 3.7. A report presented to cabinet on 22nd February 2024 outlined how the council currently manages these sites and the intended purpose of introducing a park homes policy. Officers recommended in this report that the cabinet member for Housing and Tackling Homelessness instruct officers to conduct a consultation for a minimum of 4-weeks to seek the views of residents regarding the proposed policy. This consultation ran from 8th March until 07th April 2024.

4. Policy consultation

- 4.1. Following a report brought to the Cabinet Member in February 2024, officers were instructed to conduct a consultation with the residents of both Council owned park homes sites, to seek the views of residents regarding the draft policy proposal and help inform a final policy. As part of the consultation the Council conducted a survey (available in print and online) to gather residents views on the policy. A draft survey can be seen in appendix 2. In addition to the survey, officers conducted resident forums mid-way through the consultation to hear directly from residents and offer support where needed in completing the survey. In addition to residents, the views of the Council's planning team and Hampshire Fire and Rescue were gathered during the survey. A full analysis on the findings of the survey can be seen in appendix 3 and is summarised below.
- 4.2. 39 survey responses were received, out of approximately 114 households across both sites. Overall, the policy received overwhelming support, with 89% of residents saying that they agreed with the policy document overall, with the remaining 11% saying they were unsure. The survey broke down each section of the policy and asked residents to say whether they agreed, disagreed or were unsure with each section. Below is a summary of feedback received and officers' responses to these comments, along with any amendments made to the policy.
- 4.3. Repairs:
- 4.3.1 87% of residents said that they agreed with the repairs section of the policy, with 3% unsure and 10% saying they disagreed. Residents who disagree with or are unsure about the repairs section of the policy were asked why. Comments received suggested that residents should hold no responsibility for water pipe repairs between the base and home, and another suggested a written timeframe for when residents could expect a repair to be carried out. Water pipe repairs above the ground feeding the individual property remain the responsibility of each resident, which is held within the consolidated implied terms as part of all park home pitch agreements.
- 4.3.2 These terms apply to all park homes nationwide. The Council are only responsible for supplying mains water to the pitch, any connections to the park home itself are the responsibility of the homeowner. The conditions and state of repair of pipework under the home remains the responsibility of the homeowner, including initial installation, and forms part of the home. The pipework is often provided with the park home when purchased. The Council will always aim to resolve a repair as quickly as possible and avoid any unnecessary delay. In most cases residents will be provided with an estimated repair time once their issue has been assessed. However, due to the varied nature of repairs and maintenance works to the site it is not always possible to provide an estimated completion time. In these circumstances, residents will be told why a timeframe cannot be given.

4.4. Permissions:

- 4.4.1 85% of residents agreed with the permissions section of the policy. Some residents raised concerns that the policy does not clearly explain where a fire break is needed within combustible fences, and one resident highlighted the need to reduce excessive combustible materials within the curtilage of a park home unit. Varied feedback was received on BBQs that should be permitted on the sites. One resident questioned what could be considered excessive garden furniture, and another resident expressed a belief that only metal constructed sheds were permitted. The policy lays out the requirements that must be met for combustible material sheds (such as wooden sheds) regarding matters such as their distance from homes. Where combustible material sheds cannot meet these requirements, residents would only be permitted to instal a shed of non-combustible materials (such as metal).
- 4.4.2 The policy has been amended to clarify that a fire break is required where a fence physically connects both homes, not for fences that run parallel to the home and do not come into contact with a unit. Due to the heightened risk presented from BBQs that produce sparks or embers (such as coal or wood burning) the policy maintains that only gas style BBQs will be permitted. This is in line with the site rules. The policy has been amended to clarify that garden furniture will be considered excessive where it presents a safety risk (such as blocking an escape route or creating a fire hazard) or negatively impacts the appearance of the sites.
- 4.4.3 The majority of residents (92%) agreed with the "replacement homes" part of the policy. Those who disagreed or were unsure expressed that the process appeared to be complex and reliant on the owner, and another resident had a question about planning permission.
- 4.4.4 The policy has been amended to explain that, due to the sites having use of land as park home sites, planning permission is not required to replace a park home provided the unit meets the definition as per Section 29 (1) of the Caravan Sites and Control of Development Act 1960. Due to park home sites not having permitted development rights, any development may require planning permission. Information is contained in the policy regarding planning permission and how residents can contact the planning team. Due to the potential disruption on site and nearby roads, the need for Council operatives to be available for service installations and safety requirements of placing a unit on site, permission will still need to be sought from the Council prior to the replacement of a park home unit. This will include providing details of the new home to ensure it meets the relevant standards. Whilst residents are expected to provide officers with relevant information about their replacement home, Council officers can provide assistance with this process where needed through signposting and advice.

4.5 Pitch Fees

- 4.5.1 The majority (85%) of respondents agreed with the pitch fee section of the policy. Those who did not agree expressed that they either did not feel they should need to pay a pitch fee as a park homeowner or did not feel the

amount they paid was proportionate based on repairs spend each year on the site. Some residents asked to see a breakdown of where their pitch fees go. The requirement to pay a pitch fee is contained within the written statement each resident agrees to when they move onto a park home site. The fees are designed to cover the Council's costs in managing the sites, made up of staff salary costs, including administrative, officer and manager support, as well as repairs to the sites, including compliance works, any planned improvements or upgrades. Costs for other services such as the grounds maintenance and water costs also come from the fee income. The council use the income received as a commercial rent, and any surplus generated is used as a contribution towards the general overheads of the Council. Overall, the fees charged at PCC sites are generally lower against comparable sites, mostly due to the historic decisions to increase less than the maximum permitted increase. In addition to this the Council does not charge a commission on sales.

4.6 Site Rule Breaches

- 4.6.1 Most residents agree with the site rule breaches section of the policy (89%). Respondents who provided comment to the site rule breaches section of the policy asked that the rules be included in the policy, and others expressed little confidence that site rule breaches would be taken seriously or acted upon. A copy of the site rules is available online and a link to these is now included within the policy. Where officers identify a breach to the site rules, they will consider whether it is proportionate to escalate the issue formally, typically through seeking legal action via the first-tier tribunal. In some circumstances, it may be more appropriate to address the matter informally and agree with the resident a plan to resolve the issue. Officers take site rule breaches seriously and will not hesitate to pursue formal action where needed.

4.7 Fire Risk Assessments

- 4.7.1 97% of respondents agreed with the fire risk assessment section of the policy. 3% said they were unsure, and one comment expressed a concern that staff undertaking these assessments were not thorough enough. Fire risk assessments are undertaken at least every 3 years and are undertaken by independent fully qualified staff. Council officers will accompany the assessor to allow access where needed and residents are given prior notification of the inspection. A copy of the report is available upon request, and any actions identified which impact individual residents will be addressed with those residents.

4.8 Legionella

- 4.8.1 Most residents (95%) agreed with this section of the policy, however one comment asked if the fire hose reels were still required on the sites. Officers

are undertaking a separate piece of work to establish the continued need for these and will seek advice to determine if these should be removed.

4.9 Drainage

- 4.9.1 The majority of residents agreed (90%) with this section, with one resident commenting regarding support offered to those over 60. This section of the policy contains contact information for residents to use should they experience an issue with drainage and require any support or advice. Council officers are available to provide support and advice regarding issues, including drainage, where needed.

4.10 Guidance

- 4.10.1 Most respondents agreed (91%) with this section of the policy, which contains information regarding insurance, waste management, sales, trees on site and grounds maintenance. Some concerns were raised regarding damage caused by bin crews and some waste being left behind. This section of the policy contains the contact information for the waste team, and information on how residents can raise an issue with them. Some respondents commented in response to the sales part of this section and expressed a wish for any sales commission to not be introduced on the sale of park homes. Another comment expressed a concern regarding the complexity of the sales process. Whilst park homeowners are able to proceed with a sale independently, officers strongly recommended residents selling and or purchasing a property appoint independent legal advice. Comments in response to the trees section expressed a concern that some trees had too many bird nests in them, and another regarding the condition of trees. Trees on the park homes sites are proactively assessed in regard to their safety and condition. Trees presenting a particular concern to residents can be reported via the information contain in this policy. The Council supports activity to encourage biodiversity and wildlife, and where residents wish to plant additional trees, officers will only decline this where it presents a safety or maintenance issue. Some issues were raised regarding the effectiveness of the grounds maintenance crews who attend both sites. The grounds on both sites should be suitably maintained, and issues raised have been highlighted to officers to investigate further.
- 4.10.2 Other comments provided within the report expressed a desire to see the policy upheld and enforced by the council. Whilst the policy does not change the rules required of residents, it does provide clarity and guidance for both residents and officers, which will assist in decisions regarding enforcement where these rules are breached, and enforcement is necessary. Another comment asks that the council not be privy to the sales price of park homes. The council are not involved in the market prices for park homes, nor do officers routinely monitor the value of homes as this is not necessary in the pitch fee collection process, nor do the council charge a commission on sales.

- 4.10.3 Further comments from the survey refer to some residents parking on grassed areas, and a desire to see this stopped. Cars parked outside of a designated bay, positioned dangerously, or causing damage to the park home site will be challenged with the owner, and where necessary officers will enforce as a breach of site rules. In most cases informally raising the issue with the resident is enough to resolve the problem.
- 4.10.4 Another comment asked that officers be more visible when attending the sites and suggests publishing the time and day they are attending. Officers are contactable within normal business hours, either via telephone or email, and regularly attend site to proactively identify and manage issues, in addition to visiting residents when requested or needed. Officer presence on site varies, depending on the need, however officers do regularly attend both sites and often speak to residents. Where this work requires access to individual plots residents will be notified in writing with at least 2 weeks' notice. Officers need to balance their time across sites, and typically conduct inspections in response to a particular need or concern. A fixed time and day in the week for officers to attend the sites is unlikely to suit all resident's needs. Residents can contact the team and arrange a visit at a time that is mutually convenient. In addition to the officers regularly attending both sites, other Council operatives, such as Gardeners and Estate Service Officers, regularly attend both sites to carry out safety checks and ground maintenance works. Issues identified by these operatives are raised with the park homes management team.

5. Hampshire Fire and Rescue

- 5.1 The consultation was shared with colleagues within Hampshire and Isle of Wight Fire and Rescue to seek their view on the proposed policy. Whilst they did not respond directly through the survey, senior officers provided feedback on the policy overall. Generally, the Fire and Rescue Service were in support of the policies aims and objectives and agreed with the content of the report. The Fire and Rescue Service drew attention to the application of their primary legislation in the regulation of these sites and highlighted that due to the sites being let on a domestic residential basis, unlike park home holiday sites, that their legislation is not applicable. The policy has been amended to clarify this position. Although the local Fire and Rescue Service does not operate as a regulator with these sites, Council officers have a good working relationship with partners within the Fire and Rescue Service who regularly provide support where needed surrounding the management of fire safety on these sites.

6. Portsmouth City Council Planning

- 6.1 Similarly, the local planning authority were asked to respond to the policy consultation. Some minor amendments were recommended regarding the wording of policy where the need to seek planning permission is required. These have been reflected within the latest addition. Comments were also given regarding driveways, and recommendation given that rainwater does not drain into borders unable to

absorb the runoff water. The policy has been amended to clarify the requirements of boarders absorbing run off rainwater, with an additional option to instal a rain garden if preferred.

6.2 Planning also highlighted in their feedback the need to seek planning permission for works, especially where these works can bring the sites out of the planning permission for use of the land as a park home site. In some circumstances where works, such as the installation of an extension, porch, or conservatory, potentially change a park home unit to resemble a "bricks and mortar" dwellinghouse, it is likely that planning permission would be declined. This decision remains a planning consideration, and the policy clearly highlights the need to seek planning permission in most cases. The purpose of the policy is to inform residents how these works should be completed, generally to ensure these are safe, and does not remove the need to obtain planning permission.

7. Written Statement

7.1 The consultation, along with discussions with legal services, has identified areas within the policy that don't align with the written statement as it stands. The written statement is the legally binding document residents agree to when they move onto the park home sites.

7.2 Several of the issues affecting residents, and therefore included within the policy, were not issues that impacted residents when the written statement was introduced in 2015, such as the use of electric cars. It is recognised that there is little flexibility in the written statement, and officers are currently limited in applying discretion towards the rules outlined within the written statement. The Council must ensure that the sites are managed in a proportionate way and should apply its enforcement powers towards issues that affect the enjoyment or safety of the sites.

7.3 It is envisaged that the combined updated written statement and policy document will provide clarity regarding the rules of the sites, the council's expectations and how departures from this will be enforced. It is hoped that this transparency will reduce the need to enforce against breaches to the site rules, essentially removing any confusion on what is required, whilst also providing a clear standard that can be upheld.

8. Plot Boundaries

8.1 Alongside the policy consultation officers have highlighted requests from residents of Cliffdale Gardens to have plot boundaries provided, formalising the boundaries between plots and communal spaces on site. The council as site owners are legally obliged to provide plot boundaries to residents on request and have the ability to charge up to £30 to provide this. This requirement sits within the consolidated implied terms as part of all park home pitch agreements. These terms apply to all park homes across England.

- 8.2 Most plot boundaries within park home sites are clearly defined by a physical boundary, such as a fence or hedge. In most cases these have been established for a long time, and residents are clear on where their plot boundary is and therefore where their responsibility ends. Having clearly defined boundaries is necessary to determine which areas belong to individual residents, in addition to clarifying which areas residents or the council are responsible for maintaining.
- 8.3 In addition to this, plot plans provide the council and residents with a snapshot in time regarding the conditions of the plot itself, making it easier to identify changes beyond the standards laid out in the Park Home Policy.
- 8.4 Whilst most park home boundaries are clearly defined, these are not formally established. This is because when the sites were originally developed, they did not include individual plots and all land on the park home sites was considered communal. It is recognised that this is no longer a suitable arrangement at either site, as having suitable privacy and private outdoor spaces are important features for residents and considered key benefits of living at a park home site.
- 8.5 In the absence of formalised plot plans, officers are not able to adequately respond to requests from residents asking for clear plot boundaries. This is a legal requirement that the council needs to adhere to, as prescribed through the consolidated implied terms.
- 8.6 To formalise the existing boundaries, officers would seek to write to park home residents and offer a proposed plot plan. Officers will allow a period for residents to contact the council if they have any concerns or disagree with the proposal in any way. In most cases this exercise will be to formalise what is already in place, however where boundaries are unclear or there is a dispute, officers will need to engage with those residents to determine a suitable outcome. Once plans are agreed in principle through consultation with residents, the council will be able to provide formal plot plans. This process has been recommended by the Council's legal services team. It is proposed that this work will take place at Cliffdale Gardens first, as there are current requests for this information from residents of Cliffdale Gardens. Following this, officers will seek to carry out the same exercise at Henderson Park. The cost of carrying out this work will be borne by the council, and residents will be given a copy of their plot plans as part of the consultation exercise. If residents wish to purchase additional plot plans a charge of £30 will apply.

9. Reasons for recommendations

- 9.1 It is recommended that the cabinet member for Housing and Tackling Homelessness approves this policy. The policy does not change the formal terms that residents occupy their homes under, nor does it introduce any new requirements. It remains a local policy to not charge a commission on the sales of park homes.
- 9.2 The policy aims to clarify the rules and obligations of both the council and residents, expand on the requirements for works carried out to park home units, provide useful



guidance surrounding day to day issues that impact park home residents and signpost to other council services available to park home residents. The policy will also serve as useful tool for prospective residents looking to purchase a park home on a council owned site.

9.3 Having a policy that contains guidance, including direct contact information for departments within the council that provide services to both sites, will support residents to resolve issues quicker and more efficiently. It is envisioned that this policy will inform residents of the parameters surrounding works conducted to their homes, so that these can be carried out safely.

9.4 Through carrying out work to the policy, officers have identified the need to update the written statement, so that the two documents align and accurately reflect how the sites are managed. This work will take place through consultation with residents as described in this report.

9.5 Work to formalise plot plans with residents will provide clarity on areas of individual plots that fall to residents, highlight where boundary lines are, along with outlining communal areas. This work will keep the Council legally compliant with their obligations.

10. Integrated impact assessment

10.1. An Integrated Impact Assessment can be found at Appendix 4.

11. Legal implications

11.1 The residents of these park homes sites occupy them under the Mobile Homes Act 1983 (as amended). The legislation sets out a number of terms which are implied into the agreement between PCC and the residents. Residents have signed written statements which set out the legal obligations of PCC and residents.

11.2 It is essential that the terms of the written statements (which incorporate the site rules), and PCC's policy document, are aligned, before the policy is adopted.

11.3 PCC must follow a formal procedure for updating the written statements.

11.4 Whilst the policy document may be approved in principle, it should not be adopted or relied upon until the formal procedure for updating the written statement is complete.

12. Director of Finance's comments

12.1 The approval of the Park Homes Policy, as recommended in this report, does not directly change the cost of managing and maintaining the sites or commit any future investment.

12.2 The park homes pitch fees are designed to cover the Council's costs in managing the sites, made up of staff salaries, repairs, grounds maintenance and water costs, with



any surplus generated used as a contribution towards the general overheads of the Council.

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Signed by: James Hill, **Director of Housing, Neighbourhood and Building Services**

Appendices:

- Appendix 1 - Park Homes Policy
- Appendix 2 - Park Homes Consultation Survey Example
- Appendix 3 - Park Homes Policy Consultation Report 2024
- Appendix 4 - Integrated Impact Assessment

Background list of documents:

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Mobile Homes Act 1983	Mobile Homes Act 1983 (legislation.gov.uk)
Park Homes LEASE advice website	Pitch Fee Review - Park Homes (lease-advice.org)
Consolidated Implied Terms in Park Home Pitch Agreements	Consolidated implied terms in park home pitch agreements factsheet (publishing.service.gov.uk)
Park Homes Pitch Fee Review 2024 & Park Homes Policy	Park homes pitch fee review 2024 for Housing Cabinet.pdf (portsmouth.gov.uk)

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: