



Joint Circular from the
Department of the Environment
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Sir,

31 January 1978

Report of the Mobile Homes Review

Scope of the Circular

1. The report of the Mobile Homes Review was published on 24 August. Its recommendations have been accepted by the Government. Copies were sent to local authorities. The report concludes that mobile homes have a positive, if limited, contribution to make to the provision of housing. Despite certain disadvantages they have particular attractions for small households, especially the retired. They provide an extra choice in housing which it is important to preserve and whose merits have not always been recognised by local authorities.

2. The purpose of this circular is to draw the attention of local authorities to the report generally and in particular to their current practices with regard to temporary planning permissions and site standards, as recommended in the report (paragraph 8.2.1).

The Purpose of the Review

3. The terms of reference were:
"to review, in consultation with interested bodies, the problems of mobile home residents and the contribution that mobile homes make towards meeting the nation's housing needs; in particular, to consider the relevant legislative provisions as they affect owners and residents; the planning considerations involved; the terms and conditions on which pitches are let; and the problems of charges, security of tenure, and ownership of mobile homes which may arise; and to advise the Secretary of State on legislative or other action which should be considered".

4. A parallel study was commissioned from the Department's Building Research Establishment (BRE) to establish the facts about mobile home living and to discover the views of site owners, residents and local authority officers about existing conditions and possibilities for the future. This report, entitled "Mobile Homes in England and Wales", has been published separately.

Summary of findings

5. Modern mobile homes are factory built single storey dwellings installed on a concrete slab (but not normally fixed on foundations) and connected

to mains electricity and the site water supply and drainage system. Once installed they are not usually moved. The term 'mobile home' is in many ways a misnomer but it is in common use.

6. The report does not suggest that mobile homes can provide a quick and easy solution to housing problems. It concludes that they do not in general provide as good value for money as conventionally built houses, being constructed to lower standards and having a shorter life. Condensation problems have not been overcome and insulation standards are particularly low on the cheaper models. But the BRE's research shows 89% of residents were satisfied with their homes. Their compactness, easy maintenance and the small initial capital outlay required make them attractive for small households, especially the retired. They are also attractive to some younger people on low incomes looking for an independent home and to single people of all ages.

7. The report sees a need for further legislation to give statutory protection to mobile home owners who at present have less protection than almost any other type of occupier, and recommends that this legislation should operate through the use of statutory implied terms in contracts rather than through strengthening the Mobile Homes Act or applying Rent Act provisions.

8. The report recognises that the contribution which mobile homes can make to the overall housing provision will be very limited; nevertheless they may have more to offer than local authorities have so far acknowledged. They have tended to regard mobile homes as substandard housing only suitable for temporary and special uses and as a poor investment, using them mainly for decanting and housing homeless families. Experience suggests however that temporary uses may not infrequently be costly and unsuitable. The homes can be roughly treated and thus prove especially unsuitable for families with older children. To this extent the previous guidance given in DOE circular 24/75 (Welsh Office circular 42/75) needs to be modified.

9. On the other hand, given the evident popularity of mobile homes with those small households who live in them the possible advantages of providing sites for owner-occupied mobile homes would seem to merit greater consideration.

10. The implications of these findings will be of particular relevance to local authorities when considering the exercise of planning controls, the provision of more sites for owner-occupied mobile homes, and in limited circumstances, the provision of rented mobile homes.

11. The BRE survey indicated some reluctance by many authorities to contemplate new mobile home sites in their area. The key influences leading them to refuse planning permission are probably the design and appearance of mobile homes, the low density on sites and local opposition. Advice to local planning authorities is contained in paragraphs 1-6 of Development Control Policy Note No. 8, which encourages the provision of sites "on the edge of a residential area, within reach of the necessary services but not far out in the country". This seems particularly important in view of the proportion of elderly people choosing mobile homes. There will often be a conflict between the desirability of making the provision of facilities easier by placing the site closer to existing development and the need not to affect the amenity of existing development or prejudice or

The implications for local authorities

Planning

sterilise what would otherwise be land more appropriate for the development of bricks and mortar housing. Local authorities are bound to have different views depending on the circumstances in their area, but in considering applications for planning permission they are urged to take account of the popularity of mobile homes with their owners and to pay due regard to the extent of any local demand. Structure plans and local plans generally make no provision for mobile home sites and unless mobile homes are specifically precluded in certain locations any planning application should be considered on its merits in land use terms.

Temporary Planning Permission

12. The Secretary of State notes with some concern the findings of the BRE survey that some local planning authorities are only prepared to give planning permissions for mobile home sites on a temporary basis as a matter of policy, regardless of circumstances, and he wishes to draw attention to the undesirable implications of this practice. To a large extent it defeats the object of Part I of the Caravan Sites Act 1968, which seeks to give security to residential caravanners, by effectively limiting the period during which an order for possession may be suspended by the court to the life of the planning permission. Occupants of sites with only a temporary permission are also likely to suffer from the inadequate provision of facilities by the site owner, who will have a limited time in which to recover the capital costs.

13. Planning authorities are reminded that temporary permissions can only be justified in exceptional circumstances eg where the continuance of a temporary site is unacceptable on planning grounds and all that can be allowed is a short term extension to enable the residents to find other accommodation; where a temporary use, such as housing site workers, is intended; or where intended development of the land or of adjacent land will rule out its permanent use as a mobile home site.

Provision of Sites

14. Local authorities could with advantage give greater consideration to the possibility of meeting some of the housing needs in their area by providing sites for mobile home owners from within their HIP allocation where suitable land is available, especially where it might otherwise be left undeveloped. There is an increasing number of one and two person households (other than the elderly) who have low priority on most housing authority waiting lists and whose existing housing may be far from adequate for whom purchasing a mobile home could be a useful option. (The Department's study of comparative costs showed that the initial price advantage of the mobile home over a conventional bungalow was greatest for the smallest units.) Site provision would involve local authorities in relatively small capital expenditure which might be recouped eventually through the sale of individual pitches or of the whole site to a co-operative. This would be a cheap way of lessening the pressure on the authorities' normal housing accommodation. To facilitate this approach, expenditure on site provision will continue to be treated as key sector expenditure.

Provision of Mobile Homes for Renting

15. While providing mobile homes for renting is unlikely, on past experience, to prove successful for general housing purposes, some authorities and housing associations might wish to consider this for example, for housing couples who are saving to buy their own home and whose alternative is sharing or poor quality privately rented accommodation. Although the powers of local authorities to provide mobile homes for rent need clarifying the Department are prepared to give loan consent and subsidy approval for the provision of modern mobile homes under Part V of the Housing Act 1957 where they are to be securely fixed to the soil and where

such provision represents good value for money. Criteria for evaluating homes with an expected life of between 10 and 30 years will vary according to local circumstances. Where batch buying direct from manufacturers is possible economic assessment may show mobile homes as a reasonable option in comparison with other forms of housing. Good quality units in a well designed layout could provide permanent housing for small households without children living in substandard accommodation but with low priority for re-housing. Where there is a need for more small homes the comparative speed with which mobile homes could be provided could bring other less easily quantifiable benefits. Such developments could also make good use of land which would be difficult and expensive to use for heavier structures.

Protection of Residents

16. The review concludes that greater statutory protection should be afforded to mobile home owners and that this would be best achieved by imposing implied terms into all residential contracts covering the right to occupancy, maintenance obligations, undertakings about payments, quiet enjoyment, access, assignment of the contract, resale rights and the reasonableness of charges. It also recommends the establishment of an arbiter to settle disputes about charges. While the report here is chiefly concerned to improve the position of residents on private sites it also recommends that the same rights should be given to residents on local authority sites, in line with the concept of the "Tenants' Charter".

17. The report recommends that legislation could include requirements for the site owner to give his residents information on the following points:

- a. (to prospective residents) the length of the planning permission, its conditions and the site licensing conditions (owners are already required to display the site licence on the site);
- b. information about any previous planning applications which have been refused;
- c. at the time they are made copies of any further applications for planning permission whether to extend the site or to renew or alter an existing permission.

It is suggested that meanwhile local authorities receiving planning applications for extension of existing sites should bear in mind the interest of residents on that site and ensure that they are aware of the application and given the opportunity to make representations about it.

Rent Rebates and Allowances

18. Queries are sometimes received about whether residents of rented mobile homes qualify for rent rebates or allowances. Further to the advice given in DOE circular 48/73 (Welsh Office circular 85/73) the Department advise that people renting mobile homes, provided that they occupy them as their home, may qualify for rent allowances as regulated tenants or as licensees having restricted contracts under Part V of the Rent Act 1977, depending on the degree of permanence of the mobile home on its site, its rateability and other circumstances of the case. Similarly council tenants of mobile homes if they constitute houses within Part V of the Housing Act 1957 and are Housing Revenue Account dwellings may be eligible for rent rebates, provided they occupy them as their home. The discretion of councils to grant rent allowances to tenants of dwellings held outside the Housing Revenue Account could also similarly apply in appropriate circumstances (section 19(8) of the Housing Finance Act 1972 refers).

Site Standards

19. The BRE survey found that local authority sites seemed to be less spacious and less well looked after than private sites. 20% of local auth-

ority sites, but only 5% of private ones, were considered to have a really poor physical appearance. It is recognised that this may be the result of local authorities taking over ownership and management of the poorest private sector sites, but authorities are urged to give priority to improving standards on the worst sites. Expenditure on improving sites will accordingly rank as key sector expenditure similarly to expenditure on the provision of new sites (paragraph 14). The report does not favour applying mandatory standards. These would necessarily be at a basic level and could not cater for the varied site features encountered. The report concludes that it is for individual local authorities to continue to apply whatever conditions it considers to be necessary or desirable to impose in the interests of the people who live on the particular site, or of any other person, or the public at large. Some site operators consider that authorities apply the model standards too rigidly when licensing private sites; flexibility in the use of model standards is most important and conditions should be related to the characteristics of individual sites. Although model standards have recently been amended in regard to fire precautions and extended to cover electrical installations (DOE circular 119/77, Welsh Office circular 42/77) they are in certain other respects out of date and the Department intend to revise them taking into account the developments which have taken place in mobile home design since the Caravan Sites and Control of Development Act 1960 was introduced. Proposed changes will be discussed with the local authority associations and other interested organisations. The Department have received complaints from residents that in practice licence conditions are not always enforced and that authorities are sometimes dilatory in taking action where site conditions have deteriorated. Nevertheless the report recognises the difficulties in enforcement and the need for authorities to exercise discretion, since even the less satisfactory units often provide accommodation of some kind for people who might otherwise have none.

Future Tenure Arrangements

20. The review conclude that there is no inherent reason why the mobile home should continue to be occupied only under licence in the future. Insofar as communal facilities are still provided on sites they are increasingly in the nature of recreational facilities of the kind sometimes provided in leasehold developments or indeed on private owner-occupied estates and one or two site owners have already seen the advantages of granting long leases of mobile home pitches. While any developments on these lines are likely to take time local authorities are asked to consider the possibilities of granting leasehold or freehold tenure on their own sites, particularly where they could be run on a co-operative basis.

21. Extra copies of this circular are enclosed for the use of Directors of Housing and Planning and Chief Environmental Health Officers.

We are, Sir, your obedient Servants,

R J A SHARP *Assistant Secretary*

E K WILLIAMS *Assistant Secretary*

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[DOE H5/1375/33]
[WO H117/73]

Printed in England for Her Majesty's Stationery Office
by H. O. Lloyd & Co. Ltd., 7-9 Elliott's Place, Islington Green, London N1 8HX
Dd 497049 K64 1/78

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First published 1978

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ISBN 0 11 751288 5