Frequently Asked Question's

At Go Explore Camping we want you to feel confident and knowledgeable about just what you certified site status allows you to do. It is understandable that you'll have questions and no doubt some concerns about what certified site status means, so by answering some of the most frequent questions we get asked here, hopefully you'll have a little more clarity.

What is the difference between a Certified Site and a Certified Location?

Nothing. We use the terms interchangeably. Some people prefer to call their business a certified site, and other a certified location. Both mean the same thing.

I applied for planning permission, and was refused, can I still get certified?

Yes. The refusal of planning permission does not prevent you from applying for and being granted certified site status by Go Explore Camping. If the club certifies your site, then, you don't need planning permission to operate, nor do you need a site licence. The certification itself is the legal documentation that means you can run your site.

The ability to certify a site seems strange, especially if it goes against planning policy and planning permission?

It may seem strange but, Go Explore Camping has been granted special powers under two pieces of UK legislation; the first is the ***Public Health Act 1936, Section 269*** *and the second is* ***Caravan Sites and Control of Development Act 1960, First Schedule, Paragraphs 4, 5 and 6.*** *These legal powers come with a level responsibility for the organisation and have existed in law for a long time. These powers actually have the effect of overruling planning permission and council operating licences in the sense that they allow the club to grant the right to individuals and businesses to operate without any further interference or oversight.*

Ok, but this means you can allow campsites and caravan sites – but your website states glamping and other units are also permissible, how can that be?

Great question, and the answer to it involves exploring the definitions of tent and caravan in legal terms, so let's do that:

<u>Tents</u>

The first piece of legislation that we have exemption under is the Public Health Act 1936, Section 269. This relates entirely to tented accommodation and is what allows us to certify sites to offer tented accommodation, 365 days per year and the legislation places no limit on the number of tents we can allow. We as a club choose to place certain limits on this ourselves, no more than 30 tents per acre, and for reasons of health and fire safety we require a certain spacing between each unit (you can find the details in our PDF guide to opening a site, here).

Tents are typically defined as "a temporary structure used for temporary human shelter that is not permanently fixed to the ground and is capable of being easily moved". This means the definition is quite wide and as a club we choose to interpret that to include Yurts, Wig Wams, Frame Tents and any other temporary structure that has walls and a roof that are covered by more than 60% canvas or flexible material.

<u>Caravans</u>

The second piece of legislation that we have exemption under is the ***Caravan Sites and Control of Development Act 1960, First Schedule, Paragraphs 4, 5 and 6.*** *This legislation relates entirely to our right to certify sites for the use as caravan sites for up to 5 units at a time.*

The primary restriction here being that no one person / guest can stay for more than 28 days, without a break in the middle.

A caravan has a legal definition, and this has been challenged several times in Law by various planning authorities, which means the definition is well established, and it reads as follows:

Section 29 (1) of the Caravan Sites and Control of Development Act 1960 (the same act under which our powers are granted) defined a caravan as:

"… Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether 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 system, or (B) Any tent"

Section 13 (1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. Section 13 (1) provides that:

"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 and other devices: and

(B) Is, when assembled, physically capable of being moved by road from one place to another (whether being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled".

Amendment of the definition of caravan 2006

(a) Length (exclusive of any drawbar) 20m (65.6FT)

(b) Width: 6.8m (22.3ft)

(c) Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft)

Now that is quite wordy and was clarified further in 2002 in Appeal Decision by the Secretly of State. Brentall v. Erewash 2002. The case establishes three tests, if the unit passes the three tests, then, it is a Caravan.

Size Test

Less than 20m x 6.8m and height wise less than 3.05m when measured from internal floor to internal ceiling.

It is important to remember that this test must be applied with consideration to the mobility test. In practical terms 12ft or 3.6m is the maximum width that can be transported on a UK road, without needing to make special provisions.

Mobility Test

All caravans must be movable in one whole unit when assembled. It is not necessary for a caravan to be towed, only that it is capable of being moved by road. It is the structure that must possess the necessary qualities, not the means of access to any particular road.

Construction Test Twin Units

There should be two sections separately constructed. The act of joining the two sections together should be the final act of assembly. No requirement that the process of creating the two separate sections must take place away from the site

This final test relates only to Twin Units / Lodges – essentially if you'd like to get up to the maximum permissible width under the size test, then you'll need a unit which comes in multiple pieces, the test here is that these two sections must be constructed separately and the act of joining the pieces together must be the final act of assembly.

Ok, wow, so the definition and certification that Go Explore can provide are very wide?

Yes, they are. It is also worth pointing out here that to be defined as a caravan a unit doesn't need to be towable, only moveable in one piece (or two pieces if a twin unit). So, if it can be lifted by crane onto a lorry, or pushed on, or winched on – it's a caravan.

Also, the condition of the road and the access to the site don't matter, the test for mobility is a general one and isn't site specific, so, in essence if the unit could be moved by road, then its mobile and therefore a caravan – it doesn't matter if it could be moved by road to your site due to access restrictions. This makes it possible to 'build' a unit on site, as long as it meets the test of size and could be moved by some means in one piece (or two pieces in the case of a twin unit).

Ah so is that why Go Explore includes Glamping Pods, Shepherds Huts and other such structures in its certification structure?

Exactly, because we can do so, within the bounds of the law.

Ok, but what about if I connect my unit to mains water, sewage or electricity?

Connecting a caravan to mains water, sewage or electricity does not stop it from being a caravan as nothing in the definitions or legislation prohibits it.

*However, connecting the **site itself** to mains services may require planning permission.*

In our experience applying to the relevant body for power or water does not require planning permission but connecting to a mains sewer, or installing an underground waste tank (septic for example) does.

Connecting caravans to existing facilities on site, does not in itself require planning permission – but, must be done safely and in accordance with the guidance provided by the statutory body (power / water company), connecting to an existing underground tank does not require planning permission.

Some of these things may require building control sign off, depending on where you live and we can provide individual advice and guidance on this.

What if someone complains?

During the process of becoming certified we will ask you to place a 'Blue Notice' in a visible location at the front entrance of your site. This notice will remain in place for 15 days and will invite comments from any one who wishes to make one. The blue notice will have the clubs contact details. If concerns are raised at this stage, we will speak to you about them, but, concerns aren't a reason enough for a certificate not to be issued.

In addition, we will send a notice to the local authority stating our intention to issue you a certified site certificate, the notice will give the council 10 working days to respond with any of their own concerns – again, these alone aren't reason for a certificate to be refused but we will discuss any valid concerns with you.

What about building bases, and other things on my site, like shower blocks?

Permanent bases require planning permission, non-permanent basis don't. The club cannot provide you with planning permission under any circumstance but can provide guidance on what would be considered a temporary base.

The same is true of buildings, any permanent building requires planning permission, and the club cannot provide you permission to build anything on site. Temporary structures are different, 'portaloos' for example don't need planning permission – again the club can provide advice on what may be considered permanent and what may be considered temporary.

What if I do something without planning permission, that requires it?

Firstly, we wouldn't recommend this – however, if you do then a couple of things could happen.

The first is that someone will complain to the council, they will investigate and either issue you an enforcement notice requiring you to undo whatever you did, or they may enter a discussion with you on submitting a retrospective application, if the planning breach was theoretically within planning policy.

Enforcing planning breaches costs the council time, and public money and they have a duty to spend public money wisely – this means that to take a breach to court the council will have to feel very confident that it will win – you'd be wise to take legal advice if ever it got to this stage.

The second thing that may happen is, nothing. If no one complains, and the planning authority aren't aware of the breach then, they can't enforce it, and in fact after a certain amount of time has passed you can apply for a lawful development certificate in cases like these.

You'll have to make you a decision yourself and whether you decide to build bases or other structures without planning permission – but as previously stated the club neither supports, or suggests that you do this.

We can offer access to planning consultants and solicitors as an additional service if you need any more clarity.