

# PERFECT-PITCHING

## PRIVATE CARAVAN SITE DEVELOPMENT CONSULTANCY

### LEGISLATIVE FRAMEWORK FOR DEVELOPMENT OF A CAMPING AND/OR CARAVANNING SITE – EXEMPTION CERTIFICATE

As noted under the first element of ‘Legislative Framework for Development of a Camping and/or Caravanning Site – Site License’, there is an alternative means by which to set up a facility without recourse to having to apply for a formal Site License (SL).

In certain instances, specific projects may qualify as Permitted Developments under an Exemption Certificate held by one of the approved recreational organisations and authorised as Exempted Organisation under specific Acts of Parliament depending on patronage. Whilst there are in excess of 500 individual organisations in total, nationally recognised ones include Guide & Scout Associations, Caravan and Motorhome Club & Camping and Caravan Club.

On the basis that any existing Exempted Organisation, under whose umbrella Small Private Caravan Site may be considering operating, will already be constituted an in-depth knowledge of their remit or structure is unnecessary.



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That said, the following overview of those requirements may be useful and is offered as background information under the respective Acts of Parliament.

The two relevant and separate pieces of legislation are:

- Public Health Act 1936, and
- Caravan Sites and Control of Development Act 1960.

Tent Pitching (including Trailer Tents) under Section 269 of the Public Health Act 1936 (“the 1936 Act”):

- As noted under the Site License presentation document earlier, the use of land for more than:
  - 42 consecutive days occupation, or
  - 60 days occupation in 12 consecutive months.

will require a Local Authority SL.



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Tent Pitching (including Trailer Tents) under Section 269 of the Public Health Act 1936 (“the 1936 Act”) (Cont’d):

- However, members of recreational organisation holding a Camping Exemption Certificate under the Act (Exempted Organisations), and who organise camping for their members on sites belonging to them or on sites with the landowner’s permission, can camp without a SL or the need to apply for PP.
- The ‘Exemption Certificate’ does not extend to the pitching of caravans (which includes motorhomes and campervans) for which a ‘Caravanning Exemption Certificate’ operated under a different Act of Parliament is required (see separate narrative below).
- When considering an application for a ‘Tent Pitching Exemption Certificate’, the issuing body must satisfy itself that the organisation is taking reasonable steps to ensure that the campsites are:



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Tent Pitching (including Trailer Tents) under Section 269 of the Public Health Act 1936 (“the 1936 Act”) (Cont’d):

- For the exclusive use of the members,
- Properly managed,
- Kept in good sanitary condition and
- Used in such a way as not to cause nuisance.
- In pursuing these benchmark objectives, the applying organisation will normally be required to meet the following criteria:
  - Be properly formed with a Constitution which must include:
    - The organisation’s purpose identifying objectives which encourage and/or promote recreational activities.



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Tent Pitching (including Trailer Tents) under Section 269 of the Public Health Act 1936 (“the 1936 Act”) (Cont’d):

If the application is in respect of a paragraph 4 Exemption  
– Sites Occupied & Supervised by Exempted Organisations  
– the application must state:

*“Interest in land may be acquired by purchase, lease or license for the purposes of holding rallies or meetings as permitted by legislation or by Local Planning Authorities or for any other club activities”.*

- A copy of the organisation’s Code of Conduct on headed notepaper with assurances that it has been agreed by the membership and will be abided by at all times.





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Tent Pitching (including Trailer Tents) under Section 269 of the Public Health Act 1936 (“the 1936 Act”) (Cont’d):

- Details of any sub-division into branches or units within the organisation indicating that they share the same Constitution and are governed by the same rules.
- In addition, new applicants must include:
  - Details of when the organisation was formally constituted - Minutes of the first meeting of the Organisation.
  - Details of the organisation’s caravan and camping history - mixed or segregated usage and years of activity.



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Tent Pitching (including Trailer Tents) under Section 269 of the Public Health Act 1936 (“the 1936 Act”) (Cont’d):

- Details of any experience of caravan and/or camping activities members may have as officers/organisers of the applicant/other organisations.
- The names and contact details for at least two previous sites used by the organisation.



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Caravan Pitching (including Motorhomes and Campervans) under Section 2 of and First Schedule to the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”):

- As noted earlier, the use of land for a caravan site would normally be under a Site License (SL) for which Planning Permission (PP) would, in all probability, be required.
- However, Part 5 Class A of the ‘Town and Country Planning (General Permitted Development) Order 1995’ (“the 1995 Act”) permits the use of land as a touring caravan site where a Caravan Exemption Certificate has been issued.
- Exemption Certificates facilitate Exempted Organisations occupying non-licensed sites with the landowner’s permission for recreational purposes and ‘Meetings’ (sometimes referred to as ‘Rallies’) covering Caravan, Motorhome and Campervan activities.





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- The Caravanning Exemption Certificate does not cover Tent Pitching (including Trailer-Tents) to be involved in caravanning activities other than children’s pup tents which are defined as small sleeping tents for one or two children but without living quarters.
- The attendance of Caravans and Tents at the same event would require to be covered by two separate Exemption Certificates (Camping Exemption Certificate for the tents and Caravanning Exemption Certificate for the caravans/motorhomes/campervans).
- The First Schedule of the 1960 Act sets out where a Site License is not required with Paragraphs 4, 5 & 6 of the Schedule covering the activities of Exempted Organisations:



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Caravan Pitching (including Motorhomes and Campervans) under Section 2 of and First Schedule to the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) (Cont’d):

- Paragraph 4: Sites Occupied & Supervised by Exempted Organisations:
  - Permits the Organisation to occupy a site for the purposes of recreation with the Exemption Certificate holder enjoying considerable freedom in arranging and supervising Caravan Site facilities and relieving them of the necessity to obtain express PP or a SL from a Local Authority.
  - There is no limit to the occupation of the Caravan Site. However, there is an implicit obligation in the freedom handed down to the Exemption Certificate holder to act responsibly in administering that freedom.



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Caravan Pitching (including Motorhomes and Campervans) under Section 2 of and First Schedule to the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) (Cont’d):

- Paragraph 4: Sites Occupied & Supervised by Exempted Organisations (Cont’d):
  - The Association of Caravan and Camping Exempted Organisations (ACCEO), comprising in excess of 200 independent rallying member clubs, requires the individual Organisations affiliated thereto, to limit site occupancy to no more than 28 days at any one time.
    - In addition:
      - A member of the Organisation is appointed to supervise the on-site activity.



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Caravan Pitching (including Motorhomes and Campervans) under Section 2 of and First Schedule to the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) (Cont’d):

- Paragraph 4: Sites Occupied & Supervised by Exempted Organisations (Cont’d):
  - The Organisation must have a legal status such that it can enter into a legal agreement transferring control of the site to the Organisation under the auspices of the appointed on-site supervisor.
  - The Organisation is expected to consult with Local Planning Authorities before using the sites and would not be expected to use sites to which a Local Authority maintains a valid objection.



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As noted at the outset, the respective Acts of Parliament ('the 1936 Act' and 'the 1960 Act' respectively) are more by way of background information that essential reading.

It can reasonably be assumed by the would-be Small Private Caravan Site developer that any Exempted Organisation listed on either:

- Organisations Exempted under the Public Health Act 1936,
- Organisations Exempted Under the Caravan Sites and Control of Development Act 1960

will have been properly constituted and compliant.

One of the benefits of considering the Exempted Organisation route is the large membership the bodies command and potential pool of clientele:

- Caravan and Motorhome Club (CAMC) – 380,000 plus family units.
- Camping & caravan Club (C&CC). – 160,000 plus family units.





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Couple this with the fact that the activities of the respective memberships are governed by Codes of Conduct with enforceable disciplinary measures in place for members who fail to meet and maintain the criteria, and the whole package is not without its attraction.

(See separate topic listing for 'Promotion & Bookings')

