

## **Country Land & Business Association response to the Consultation on the Proposed Mobile Homes (Wales) Bill 2012**

The CLA represents over 35,000 members in England and Wales. Our members both live and work in rural areas; they operate a wide range of businesses including agricultural, tourism and commercial ventures – at the last count the CLA represents some 250 different types of rural businesses.

The quality of the countryside is of vital importance to our members. The three main drivers - economic, social and environmental - rely on landowners and managers for their success, and thus the CLA has a special focus on such matters.

The rural economy makes an important contribution to the national economy: land-based businesses, within the rural economy, provide the environmental and recreational benefits in the countryside that are valued by the population as a whole. The best security for rural areas is a successful and sustainable rural economy.

We have pleasure in setting out our response to the consultation below.

While we in the CLA have great sympathy with victims of the minority of unscrupulous park owners who make it difficult for residents to exercise some of their legal rights, we represent members who are the majority of responsible park operators. For both them and all rural business owners in Wales it is imperative that no more than the bare necessity of red tape is introduced to their business as any additional bureaucracy will add cost and hardship to businesses, many of who are already struggling.

CLA Wales understands that this industry has already been extensively examined and re-regulated within the last decade - and we feel the resulting legislation and the 20-page Park Agreement adopted by the British Holiday and Home Parks Association and National Park Homes Council adequately clarifies the relationship and obligations of park operator and resident.

CLA Wales is particularly concerned about the existing proposals to remove park owners' rights to *вето* a prospective purchaser (or put the onus on them to apply to a Residential Property Tribunal ("RPT") regarding this point). For example, at present, if somebody expressed an interest in purchasing a home on the park, and the owners were aware that they had been evicted from a council-owned property for anti-social behaviour, they would say that they were unsuitable as a prospective resident. However, were the new proposals adopted, they would have no right to *вето* them, and would be reluctant or unable to apply to a RPT in case they lost, incurring significant costs, and possibly also facing action for damages for the lost sale. The net result would be that neighbouring residents would be stuck with a new neighbour who was likely to interfere with their quiet enjoyment, and the park owner would be stuck with a new resident that they'd known from the outset wouldn't fit in, but were then expected to try to 'police' by using the terms of the Park Agreement.

It is an acknowledged fact that many people choose to move onto residential parks because they have additional safeguards to their quiet enjoyment to those which they would have if they lived on a standard housing estate. They know that the park owner does vet their

prospective neighbours and that he is unlikely to accept a resident who is likely to present a problem to either the park owner or existing residents. Further, in instances of anti-social behaviour etc., the park owner can intervene at a far earlier stage than the local authority Environmental Health teams.

With regard to suggestions regarding an overhaul of the existing licensing régime, we are not confident that Local Authorities have the specialist knowledge or resources to implement the proposals.

Thought should also be given as to what will happen to residents if licences are for fixed periods and are then revoked. In many instances residents own their own home, and merely pay a ground rent/pitch fee for the land on which it stands. Were a park licence to be revoked, these people would have homes worth tens of thousands of pounds, and nowhere to site them unless planning policy were relaxed so that each of them could then purchase private pieces of land and site their homes on those.

In conclusion, there is a sense that the Welsh Assembly is looking at the mobile homes sector to plug the gap in housing undersupply. Whilst it is certainly the case that flexible solutions are required to deliver the housing units required in a difficult financial climate and that the mobile homes sector can play a part in that solution, it is never-the-less the case that the Welsh Assembly has additional, under-utilised solutions. CLA members seek to assist in the delivery of new housing units both through the mobile homes sector and through bricks and mortar delivery. In the latter category, ineffective implementation of TAN 6 at the LPA level is fettering CLA Wales members from delivering the new housing units, of all tenures, that are required in Wales today. In particular, CLA Wales would like to draw attention to clause 2.1.1 of TAN 6 as a more effective means of generating new housing supply than relying on an over-regulated mobile homes sector alone:

**“making sufficient land available to provide homes”**

Excessive regulation as outlined in the draft Mobile Homes (Wales) Bill mirrors the issue facing the private rented sector in terms of Mandatory Private Sector Landlord Registration. In bringing forward onerous regulation systems, the Welsh Assembly risks reducing the supply of both mobile homes and private rented housing.

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