

**REPORT TO:** Licensing Sub-Committee

**MEETING DATE:** 13 February 2025

**BY:** Executive Director for Council Resources

**SUBJECT:** Caravan Sites and Control of Development Act 1960  
("the Act"), Licensing of Relevant Permanent Sites  
(Scotland) Regulations 2016, Seton Sands Holiday Village –  
Request for Extension of Application Determination Deadline

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## **1 PURPOSE**

To seek a decision by the Licensing Sub-Committee on the recommendations detailed below.

## **2 RECOMMENDATIONS**

### **2.1 That the Sub-Committee –**

- Extend the application determination deadline by eight weeks (from 28 February 2025 to 25 April 2025).

## **3 BACKGROUND**

- 3.1 Decision of Licensing Sub-Committee of 14 November 2024 required Haven Leisure Limited to lodge an application for a Relevant Permanent Site licence by 29 November 2024. This was received on 28 November 2024.
- 3.2 Lichfields (the applicant's planning consultant) were advised of the East Lothian Council planning position on 18 December 2024 (Appendix 1).
- 3.3 Lichfields were advised of the period of determination for the licence application on 21 January 2025 (Appendix 2).
- 3.4 Submission to extend the period of application determination was received from Lichfields on 30 January 2025 (Appendix 3).

- 3.5 Clarification of the date the Certificate of Lawful Use or Development (CLUD) application will be lodged was received from Lichfields on 31 January 2025 (Appendix 4).

#### **4 POLICY IMPLICATIONS**

None.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

#### **6 RESOURCE IMPLICATIONS**


- 6.1 Financial – none.  
6.2 Personnel – none.  
6.3 Other – none.

#### **7 BACKGROUND PAPERS**

- 7.1 None.

- Appendix 1: Email to Lichfields regarding planning permission requirement, 18 December 2024  
Appendix 2: Email to Lichfields regarding licence determination period, 21 January 2025  
Appendix 3: Application to extend licence determination period received from Lichfields, 30 January 2025  
Appendix 4: Confirmation of future CLUD application date from Lichfields, 31 January 2025  
Appendix 5: Minutes extract from meeting of the Licensing Sub-Committee, 14 November 2024

<b>AUTHOR'S NAME</b>	Sheila Fitzpatrick
<b>DESIGNATION</b>	Team Leader – Licensing and Landlord Registration
<b>CONTACT INFO</b>	01620 820623
<b>DATE</b>	4 February 2025

**From:** [Fitzpatrick, Sheila](#)  
**To:** ["Rhiannon Harrop-Griffiths"](#)  
**Cc:** ["Helen Ashby-Ridgway"](#)  
**Subject:** RE: East Lothian Council - Licensing Sub-committee 14 November 2024 [LICH-DMS.FID211063]  
**Date:** 18 December 2024 11:34:00  
**Attachments:** 

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Good morning Rhiannon,

Thank you for your email. Our consultees were provided with details of your applications on 2 December 24 and have 21 days to respond.

Planning colleagues have however, already responded and advised the following in connection with the application for a Residential licence:

*...planning history for the caravan park and the whole site is in holiday use including the area where the caravan in question is sited.*

*The planning statement submitted argues that as the caravan has been in residential use for 40 years then the residential use of the caravan is lawful. However, the applicant/agent would have to apply for a certificate of lawfulness with evidence of the caravan being in a continual residential use for 10 years or more to allow us to class the caravan as residential.*

*Until a certificate of lawfulness was granted and the residential use deemed lawful, we would maintain that the current use of the caravan is for holiday purposed rather than residential.*

Regards,

Sheila Fitzpatrick  
 Team Leader – Licensing and Landlord Registration  
 East Lothian Council  
 Democratic & Licensing Services  
 John Muir House  
 HADDINGTON, EH41 3HA

01620 820623

[sfitzpatrick1@eastlothian.gov.uk](mailto:sfitzpatrick1@eastlothian.gov.uk)

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**From:** Rhiannon Harrop-Griffiths <rhiannon.harrop-griffiths@lichfields.uk>  
**Sent:** Tuesday, December 10, 2024 3:21 PM  
**To:** Fitzpatrick, Sheila <sfitzpatrick1@eastlothian.gov.uk>  
**Cc:** Helen Ashby-Ridgway <helen.ashby-ridgway@lichfields.uk>  
**Subject:** RE: East Lothian Council - Licensing Sub-committee 14 November 2024 [LICH-DMS.FID211063]

**From:** [Fitzpatrick, Sheila](#)  
**To:** ["Rhiannon Harrop-Griffiths"](#)  
**Cc:** ["Helen Ashby-Ridgway"](#)  
**Subject:** RE: Seton Sands Holiday Park [LICH-DMS.FID211063]  
**Date:** 21 January 2025 12:47:00  
**Attachments:** [image001.jpg](#)

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Good morning,

Please find attached licence and conditions.

With regard to the Residential Site licence, I can advise that the licensing authority must make a determination on an application within three months of it's receipt. The Residential Site licence application was received 29 November 2024 and therefore must be determined by 28 February 2025. Planning permission (or CLUD) is a requisite requirement of approving this type of licence. Should the CLUD application not be determined by this date, we will have no option other than to refuse the licence application.

Regards,

Sheila Fitzpatrick  
Team Leader – Licensing and Landlord Registration  
East Lothian Council  
Democratic & Licensing Services  
John Muir House  
HADDINGTON, EH41 3HA

01620 820623

[sfitzpatrick1@eastlothian.gov.uk](mailto:sfitzpatrick1@eastlothian.gov.uk)

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**From:** Rhiannon Harrop-Griffiths <rhiannon.harrop-griffiths@lichfields.uk>  
**Sent:** Tuesday, January 21, 2025 11:36 AM  
**To:** Fitzpatrick, Sheila <sfitzpatrick1@eastlothian.gov.uk>  
**Cc:** Helen Ashby-Ridgway <helen.ashby-ridgway@lichfields.uk>  
**Subject:** RE: Seton Sands Holiday Park [LICH-DMS.FID211063]

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Hi Sheila,

Happy new year and hope are you well too.

Thank you for confirming on the holiday/touring site licence. Please can you email a

Licensing Department  
East Lothian Council  
John Muir House  
Brewery Park  
Haddington  
East Lothian  
EH41 3HA

**Date:** 30 January 2025

**Our ref:** 04051/96/NT/RHG/33419480v5

Dear Sheila Fitzpatrick

## **Haven Seton Sands Holiday Village: Request for extension of deadline of determination for Relevant Permanent Site Licence Application**

On behalf of our client, Haven Leisure Limited (“Haven”), we write to request an extension to the timescale for determining the Relevant Permanent (Residential) Site Licence application at Seton Sands Holiday Village (“Seton Sands”) to allow time for a Certificate of Lawfulness of Existing Use or Development (“CLEUD”) to be secured.

### **Background**

Further to the Licensing Sub-Committee held on 14 November 2024 regarding the site licence(s) for Seton Sands, the sub-committee determined that applications must be submitted no later than two weeks from the date of this decision for:

- A variation to the existing holiday caravans licence; and,
- A new application for a residential site licence for a single unit at the park.

Applications for both licences were submitted to East Lothian Council on 27 November 2024, within the required timeframe.

The Site Licence for holiday caravan use was issued to Haven directly and then to Lichfields on 21 January 2025 to reflect:

- Recent planning permissions which have increased the number of caravans at the Park; and,
- Change of licence holder from Bourne Leisure Group Limited to Haven Leisure Limited.

The residential site licence application has not yet been determined.

The site licence application was accompanied with a full analysis of the planning history of the specified caravan. However, during the consultation process for the residential site licence, the planning authority responded to you by saying “...*The planning statement submitted argues that as the caravan*

*has been in residential use for 40 years then the residential use of the caravan is lawful. However, the applicant/agent would have to apply for a certificate of lawfulness [CLEUD] with evidence of the caravan being in a continual residential use for 10 years or more to allow us to class the caravan as residential.*

*Until a certificate of lawfulness was granted and the residential use deemed lawful, we would maintain that the current use of the caravan is for holiday purposed rather than residential.”*

We understand that this is the only outstanding matter raised during the consultation and that once this is resolved, a Relevant Permanent Site Licence for the single residential unit at Seton Sands can be issued by the Site Licence Authority.

### **The CLEUD application**

The CLEUD application will seek confirmation that a single specified caravan at Seton Sands “Residential 1” has been sited and in residential use without interruption for a period of at least 10 years, dating back from now. This process is not a planning judgment but rather the reaching of a view that ‘on the balance of probability’, the evidence confirms the position of the development set out in the application.

The onus is on the applicant (Haven) to collate sufficient information to inform the Council’s decision making. To this end, Haven has been gathering a range of sources to confirm the position. The CLEUD application is due to be submitted imminently.

The following evidence has been collated:

- 1 Statement of Account for resident of [REDACTED] 7 January 2025, dating back to 2011.
- 2 Signed statement from the son, a resident of residential caravan at Seton Sands Holiday Village, 26 January 2025 confirming that he and his family have resided at [REDACTED] since 1979.
- 3 Birth Certificate of Resident showing [REDACTED] Seton Sands Caravan Park (now [REDACTED] as Mother’s usual residence.
- 4 Signed statement (7 January 2025) from Grounds and Sitings Manager who has been employed at Seton Sands Holiday Village since 2010 of the residential use over the period of employment.
- 5 Signed statement (7 January 2025) from Head of Activities who has been employed at Seton Sands Holiday Village since 2012 of the residential use over the period of employment.
- 6 Google Earth Extracts from 2009 confirming the continual stationing of the caravan in this location.

### **Timescales for determination**

Once submitted, the determination of the CLEUD application is outside Haven’s control.

In respect of the timescales for determining a site licence application, Section 5 of the Licensing of Relevant Permanent Sites (Scotland) Regulations 2016 states that the time limit specified for the

purpose of an application of this nature is 3 months from the date the relevant authority is in receipt of the application and fee as fixed by the local authority.

As the application was submitted on 29 November 2024, the period for determination ends 28 February 2025.

From liaising with you, we understand there are two options to extend the determination period:

- 1 To lodge a representation to the Site Licencing Authority which will then be considered at the Licensing Sub-Committee. Papers must be lodged with the committee clerk two weeks prior to this date, i.e. by 30 January in advance of the 13 February meeting; an/or
- 2 Local authority to apply to the Sheriff for an extension.

We therefore submit this letter, on behalf of Haven, to seek an extension of time for the determination of the residential site licence under option 1 above to allow the time needed by the planning authority to reach a decision on the CLEUD application once it has been submitted.

## **Conclusion**

We trust this letter sufficiently and reasonably sets out the reason we consider that the timescales for determining the residential site licence application at Seton Sands Holiday Village should be extended.

As demonstrated, Haven has followed the required actions following the Licensing Sub-Committee by submitting the two applications within the set timeframe. Haven is now pursuing a CLEUD at the request of the planning authority. Once the application is submitted, timescales will be in the hands of the Council.

As a result, we consider it appropriate for the timescales for determining the residential site licence application to be extended and based upon the Council's own timescales for determining the CLEUD application.

If you do have any questions, please do not hesitate to contact me or my colleague Rhiannon Harrop-Griffiths.

Yours sincerely



**Helen Ashby-Ridgway**  
Planning Director  
BSc (Hons) MSc MRTPI

**From:** [Rhiannon Harrop-Griffiths](#)  
**To:** [Fitzpatrick, Sheila](#)  
**Cc:** [Helen Ashby-Ridgway](#)  
**Subject:** RE: Seton Sands Holiday Park [LICH-DMS.FID211063]  
**Date:** 31 January 2025 15:53:56  
**Attachments:** [REDACTED]

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Hi Sheila,

Further to our call this morning, we intend to submit the CLEUD application by next Friday (7<sup>th</sup> February). We will be in touch once the application is submitted and should there be a reason outside of our control that the application is not submitted by this date, we'll let you know in advance.

Kind regards,  
 Rhiannon

**Rhiannon Harrop-Griffiths**  
**Senior Planner**

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 Lichfields, Helmont House, Churchill Way, Cardiff CF10 2HE  
 T 029 2043 5880 / M 07825185345  
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**From:** Rhiannon Harrop-Griffiths  
**Sent:** 30 January 2025 12:19  
**To:** Fitzpatrick, Sheila <[sfitzpatrick1@eastlothian.gov.uk](mailto:sfitzpatrick1@eastlothian.gov.uk)>  
**Cc:** Helen Ashby-Ridgway <[helen.ashby-ridgway@lichfields.uk](mailto:helen.ashby-ridgway@lichfields.uk)>  
**Subject:** RE: Seton Sands Holiday Park [LICH-DMS.FID211063]

Hi Sheila,

Please see attached a letter requesting an extension to the determination period for the Relevant Permanent Site Licence – we would be grateful if you could forward this to the committee clerk for consideration.

If you have any queries on the letter, please do not hesitate to call.

Kind regards,  
 Rhiannon

**Rhiannon Harrop-Griffiths**  
**Planner**

BA (Hons) MSc  
 Lichfields, Helmont House, Churchill Way, Cardiff CF10 2HE



### **3. CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960, SETON SANDS HOLIDAY VILLAGE, SITE LICENCE NO. 14B**

A report had been submitted by the Executive Director for Council Resources to ask the Licensing Sub-Committee to review existing licence conditions for Site Licence No. 14B, Seton Sands Holiday Village, and agree an alteration to remove permission to site residential caravans. It also asked Sub-Committee members to agree that the holders of the licence had allowed the land to be used as a relevant permanent site without applying for the required licence.

Mr Forrest presented the report, and provided background information to the request. He advised that the current licence, issued in 2000, had no expiry date, so had been granted until such time as it was changed or ended. This licence covered 686 static holiday caravans, 60 touring caravans, and 20 residential caravans, reducing to 13 residential caravans as the site had been developed. He advised that planning permissions had changed in the interim, and the current request was for 853 static caravans, but the application to vary the current licence had not progressed to completion. In the interim, new legislation had come in relating to residential caravans, which covered holiday-type caravans; the site therefore required a new and different licence. He highlighted correspondence within the papers and the ongoing attempts to compel the licence holders to provide a new licence application for the residential units; this had not been received. He highlighted other relevant sections of the correspondence with Haven, the operator, and Lichfields, Haven's agent, and reiterated that the new licence must be applied for because residential units were now covered under new legislation.

Ms Fitzpatrick advised that Lichfields had been in touch immediately following receipt of the meeting invitation. At this time, Lichfields had indicated that an application would be submitted, but Ms Fitzpatrick reported that an application for the permanent site, or to vary the existing licence, had not been forthcoming in the intervening ten days.

Councillor Trotter asked why the process had taken so long. Helen Ashby-Ridgway, of Lichfields, advised that Haven had wanted to satisfy itself that planning permission was in place for residential use; she noted that planning history could be complicated in caravan parks. She advised that Haven had received advice that planning permission was in place for the residential unit, of which there was only one left at Seton Sands; Lichfields would be able to respond to the Council quickly on this matter.

Ms Fitzpatrick highlighted a response from the Planning Authority from 29 August 2024, which indicated that there was no permission for Seton Sands Holiday Village to site residential caravans; permissions previously granted had been to ensure that the holiday caravans were not used as permanent residential accommodation. Ms Ashby-Ridgway responded that Lichfields were keen to continue the conversation with the Licensing Authority on this matter. She advised that the correspondence and advice had progressed quickly since receiving the invitation to this meeting. She indicated that Lichfields would welcome a discussion as to why the Council and Haven's planning consultants held differing views on the matter of residential planning permission.

Councillor Trotter commented that Haven would have been aggrieved had the Council taken as long to process an application as they had taken to get their site licence in order; he felt uncomfortable making decisions until paperwork was fully in place. The Convener agreed that this licensing issue must be progressed, and was keen to establish a timeframe for Haven's response.

Mr Forrest responded that the recommendation asked Members to alter the current licence. He pointed out that if Committee members wanted to defer making a decision until other paperwork was in order, they would have no control over how quickly Haven would respond.

Ms Fitzpatrick added that discussions had been ongoing since the original application to vary the licence had been made. She advised that Haven and Lichfields had known since July 2023 that the Licensing Authority required them to apply to site residential caravans. She suggested that Lichfields forwarded their planning information to the Council as soon as possible.

The Convener asked about repercussions if Haven should fail to resolve this licensing matter. Ms Fitzpatrick would check the legislation for this information, as enforcement may fall to other agencies, such as Police Scotland.

Responding to a point made by Mr Forrest, Councillor Findlay commented that he would trust the Planning Authority to know whether planning permission was in place to site residential caravans; he felt that the report recommendations should be dealt with now.

The Convener acknowledged that it was not possible for the Licensing Sub-Committee to put a timeframe on the resolution of this matter, but wanted to emphasise the need for swift action and communication; he expected this to have been actioned by Haven within two weeks of the meeting. Mr Forrest advised that if the matter was not resolved, it would fall to the enforcement side rather than to the Licensing Sub-Committee.

Simon Combs, of Haven, suggested that applications for both holiday and residential licences would be made within a few weeks. He advised that it had taken a long time to bring the relevant information together, but he had confirmation that planning permission was in place for the residential caravan; he would share this information with the Licensing and Planning Authorities.

Responding to an earlier comment about residential consent never having been granted, Ms Ashby-Ridgway pointed out that the whole of the Seton Sands site used to be residential caravans, but gradually the holiday use had taken over. She would seek to arrange a meeting urgently with the Planning Authority.

Ms Fitzpatrick added that the information on planning permission should be forwarded to the Council right away. She noted that the site had over 800 static caravans, but the licence currently stood at around 600 caravans; this requirement for a variation, along with the residential licence, meant there were two licence applications outstanding.

The Convener said he expected Haven to submit competent applications to site 853 caravans, and to site the residential caravan, within two weeks of this meeting. He then moved a roll call vote on the report recommendations, which were unanimously supported.

## **Decision**

The Licensing Sub-Committee:

Reviewed the existing licence conditions 1.1 and 1.2 and agreed the following alteration:

- The permission to site residential caravans to be removed from the licence; and

Agreed that the holders of the licence had allowed the land to be used as a relevant permanent site without applying for the required licence.