

## East Lindsey District Council Holiday Occupancy Frequently Asked Questions

The Frequently Asked Questions (FAQs) below provide responses to queries that the Council is asked regularly regarding holiday use, restrictions that exist to control holiday uses, and about compliance with such restrictions. This includes what may or may not be acceptable from a holiday accommodation occupancy perspective. Further detail and clarification is also set out in the Council's 'Holiday Accommodation Guidance' available on the Caravan Site Licensing Holiday Park page.

Reference should always be made to the Planning Permission and Site Licence for the site in question.

<b>Frequently Asked Questions</b>	<b>Response</b>
What can holiday accommodation be used for?	<ul style="list-style-type: none"> <li>• The accommodation can only be used for holiday purposes.</li> <li>• It must not be used as a permanent or sole residence.</li> <li>• The occupier(s) must have a sole main address elsewhere, where they live (when they are not on holiday).</li> </ul>
What is meant by a holiday?	<p>We rely on the standard Oxford dictionary definition which is applied also by Government Planning Inspectors and in the Courts that:</p> <ol style="list-style-type: none"> <li>1) A holiday is an extended period of recreation, away from a person's home;</li> <li>2) a day of festivity or recreation when no work is done.</li> </ol>
How long can my holiday be for?	<p>It is not for the Council to dictate to individuals the length of their holiday. The test remains that the owner/occupier cannot use the holiday accommodation as a sole or main place of residence, which must be in place elsewhere and being used as such.</p>
Is there a limitation on how frequently I can occupy my property/cabin/caravan/lodge etc for holiday purposes?	<p>There could be a planning and licence condition limiting the period in which the accommodation must be used for holiday use. It is advisable to always check this with the Council's Caravan Licensing Team who will be able to confirm this. They can be contacted by email: <a href="mailto:caravans@e-lindsey.gov.uk">caravans@e-lindsey.gov.uk</a></p> <p>If there are no restrictions in place, then the answer is no, there is not. However, the test remains that the owner/ occupier(s) must not use the accommodation as a permanent sole or main place of residence.</p>
Where can I see a copy of the restrictions that might apply?	<p>Reference should always be made to the Council's Planning Permission records and Caravan Site Licence. Planning Permissions are available for inspection free of charge and on the Council's website.</p>

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	<p>Care should be taken to inspect the whole document including the approved plans and reliance should not be placed on a part copy or the site's office copy.</p> <p>Advice on a particular site's planning restrictions can be discussed with the Councils Licensing Team. They can be contacted by email: <a href="mailto:caravans@e-lindsey.gov.uk">caravans@e-lindsey.gov.uk</a></p>
<p>Can I use holiday accommodation as my main home?</p>	<p>No - the accommodation cannot be used as a permanent, sole or main place of residence. Planning permission was only granted for holiday accommodation to meet the area's tourism/holiday needs.</p>
<p>I am retired. Can I use the holiday accommodation all the time?</p>	<p>No, ceasing employment does not mean that you are on holiday. You are still required to have a permanent address elsewhere where you live as a sole or main residence elsewhere.</p>
<p>Do I have to pay Council Tax while I use a holiday accommodation?</p>	<p>If you go on holiday you do not usually pay council tax because you are already paying Council tax at the address where live permanently elsewhere.</p> <p>The owner or site operator of the holiday accommodation should already be paying business rates or council tax depending on the type of holiday accommodation (i.e. when it is a holiday park business rates would be applicable, but if the accommodation is a holiday bungalow or house Council Tax would be applicable instead).</p> <p>You might be required to pay Council Tax if the holiday accommodation is owned by you, and it is classed as a 'second home' under the Council tax legislation.</p> <p>You are required to pay Council Tax if you are living permanently in a holiday accommodation and do not have a sole or main place of residence elsewhere. This must still be paid even though the use of the holiday accommodation would be unauthorised, and liable for enforcement action. Paying Council does not make the use of the holiday accommodation lawful under planning or licensing legislation.</p>
<p>Can the Council check if I have a permanent sole/main residence elsewhere when I am occupying holiday accommodation?</p>	<p>Yes, the Council have various powers under planning and licensing legislations to require you to provide this information if requested. Failure to provide the information can be an offence for which legal action can be commenced against you in the Magistrates Court. You may also be subject to enforcement action.</p> <p>There may also be a condition on the Planning Permission and Site Licence (if the holiday accommodation is on a caravan site), for the site operator to request your permanent address and to keep a register of this information, which they must</p>

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	produce to the Council upon request, or face legal action.
Can the owner or operator of holiday accommodation require me to provide the address where I live permanently elsewhere?	Yes. There may also be a condition on the Planning Permission and Site Licence (if the holiday accommodation is on a caravan site), for the site operator to request your permanent address and to keep a register of this information, which they must produce to the Council upon request, or face legal action.
What type of information might I be asked to provide to a holiday accommodation operator/owner, to evidence that I have a permanent sole/mail address elsewhere, where I live?.	
Can I run a business from my holiday accommodation?	No - the accommodation cannot be used for business purposes. The test remains that the owner/occupier cannot use the accommodation as a permanent, sole or main place of residence. However, the Council does recognise that some people do bring ICT equipment with them to 'keep in touch' with business matters whilst on holiday.
Can I use holiday accommodation as a base if I work locally?	The accommodation must not be used as a base to commute to and/or from a place of work as if being used as a sole or main place of residence.
Can I live in holiday accommodation if the owner says I am allowed to and/or provides a tenancy agreement?	No. The accommodation can only be used for holiday purposes. It must not be used as a permanent or sole residence even if the owner tells you, it is allowed and/or provides a tenancy agreement. This could result in enforcement action being taken against you by the Council to leave. The occupier(s) must have a sole main address elsewhere, where they live permanently (when they are not on holiday).
Can I provide a family or friends address as my permanent residential address whilst I am using a Holiday accommodation.	No. The address provided must only be an address where you live permanently elsewhere as a sole/main residence. You cannot provide an address where a family member or friend permanently lives if you also do not live permanently with them. Sometimes holiday occupiers do this to make it appear that they do have a sole or main address elsewhere where they live. However, all addresses can be checked for legitimacy by the Council.
Can post be sent to a holiday accommodation?	There is nothing to prevent mail from being sent to a holiday home. However, if your mail is delivered to the accommodation as a matter of course, this may well suggest the use of that accommodation as a sole or main place of residence and not occupation solely for holiday use.  There are different types of holiday accommodation, and occupancy and ownership circumstances will

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	<p>differ between them for holiday use. For example, no post should be sent to any caravans or lodges on a holiday park (even if the caravan or lodge was privately owned), hotels or Bed and Breakfast accommodations etc.</p>
<p>What use can I make of local services including doctors/dentists etc?</p>	<p>We would expect you to use local services as you would normally do when on holiday. As an example, if you were taken ill while at the accommodation, or developed toothache, we would expect you to use a local doctor or dentist, for emergency/urgent treatment only.</p> <p>What <u>is not</u> expected is that you are registered all the time as a patient at the local doctor or dentist because you should already be registered at the local practice elsewhere, near where you live permanently, (when you are not on holiday).</p>
<p>Can my children attend local schools?</p>	<p>No. It is reasonably expected that if you are on holiday with your child/children, that they do not go to school during the holiday period, because they are on holiday. The same principle applies in that an adult usually would not still go to work when they are on holiday.</p> <p>It is expected that the child or children would be registered at the local school elsewhere, where they live permanently as the sole/main place of residence. There might be exceptional circumstances for children that are home schooled.</p> <p>A child or children registered at a local school in the area where the holiday accommodation is located would indicate permanent occupation of the accommodation, and it is not solely for holiday use.</p>
<p>Do any other restrictions apply to the accommodation?</p>	<p>Some holiday accommodation is subject to an additional restriction which requires a specified close-down period i.e. caravan parks or accommodation located in a high risk flooding area during certain periods.</p> <p>Should additional restrictions exist, the accommodation <u>cannot be occupied for any purpose</u> during the specified close- down period, under any circumstances. For the avoidance of doubt ‘occupied’ does not mean visiting the accommodation for essential maintenance and/or repairs only. No overnight accommodation is permitted.</p> <p>Properties may also have restrictive covenants as part of the lease agreement with the landlord/owner. This is outside the control of the Council and would be enforced by the landlord.</p>