First-tier Tribunal
Property Chamber
(Residential Property)

Case Reference	**:**	**CAM/34UH/PHR/2023/0001**
HMCTS Code	**:**	**V: CVPREMOTE**
Site	**:**	**Wilby Park, Main Road, Wilby, Northants NN8 2UL**
Applicant	**:**	**Wyldecrest Parks (Management) Ltd**
Respondent	**:**	**North Northamptonshire Council**
Type of application	**:**	**Appeal under section 7 of the Caravan Sites and Control of Development Act 1960**
Tribunal	**:**	**Regional Judge Ruth Wayte** **Regional Surveyor Mary Hardman**
Date of hearing	**:**	**26 March 2025**
Date of decision	**:**	**15 April 2025**

Decision

The tribunal determines that the licence conditions are unchanged, varied or cancelled as set out below.

The application and hearing

1. On 18 May 2023 the applicant sent an appeal to the tribunal in respect of conditions attached to a licence apparently issued on 20 April 2023. This followed an application for consent to transfer the licence for Wilby Park made by the applicant on 13 August 2021 and a subsequent application for a new licence made on or about 5 April 2023. The applicant claimed that the licence dated 20 April 2023 was a new licence and therefore the application was an appeal under section 7 of the Caravan Sites and Control of Development Act 1960 ("the 1960 Act").

2. On 2 April 2024, following an inspection and hearing on 11 and 12 March 2024 (held in combination with other applications involving the same

site), the tribunal issued a decision confirming that the licence had in fact been transferred and in the circumstances an application under section 7 of the 1960 Act could not proceed. As a transfer, the conditions remained unchanged from the previous licence. The applicant should apply for a variation of any disputed conditions under section 8 and appeal following the respondent's decision, if necessary. In practice, it was hoped that the vast majority of any variations could be agreed, given the concessions made by both parties during the hearing.

3. The applicant appealed that decision to the Upper Tribunal. In *Wyldecrest Parks Management Ltd v North Northamptonshire Council* [2024] UKUT 360 (15 November 2024) it held that there was no possible construction of the licence except as a new licence, due to the failure of the council to comply with section 10 of the 1960 Act. The decision dated 2 April 2024 was therefore set aside and the application to appeal those conditions under section 7 reinstated.

4. On 23 December 2024 the tribunal issued further directions, ordering the respondent to provide updated conditions in the light of the original hearing and the appeal. Provision was made for a response by the applicant and bundles for each side. The conditions which remained in dispute were set out in a Scott Schedule.

5. The tribunal had originally suggested a re-inspection but it was agreed that in the light of no further major changes to the site since the last inspection, that was not necessary. The re-hearing was held by video on 26 March 2025. The applicant was represented by David Sunderland, its Estates Director. The respondent was represented by Matt Lewin of counsel and witness Catherine Clooney, an Environmental Protection Manager. She relied on her witness statement dated 22 January 2025 and was not cross examined by Mr Sunderland. The applicant produced no witness evidence. The hearing and this decision will look at each of the disputed conditions in turn, following a brief recap of the essential background facts, taken mainly from Ms Clooney's statement and exhibits.

The background

6. The first licence issued for the site under the 1960 Act was on 21 June 1961 to Wilby Caravan Parks Ltd. The site was then known as Wilby Lido.

7. The conditions that were the original subject of the appeal dated to a variation of the licence on 1 April 2017 in the name of Wilbrook Parks Ltd. The conditions had been updated by the council to reflect the Model Standards 2008 for Caravan Sites in England, breaches found at the site on 28 March 2017 and other amendments to reflect the Mobile Homes Act 2013. Amongst other conditions, the number of caravans on site was limited to 85, reflecting development permission granted by the council in 1968. That said, the planning permission itself contained no conditions as to the number of caravans and therefore the respondent admitted that there is therefore no limit in planning terms.

8. On 6 August 2021 the applicant purchased Wilbrook Parks Limited. On 12 August 2021 Mr Sunderland made an application by email for consent to transfer the licence to the applicant under section 10 of the 1960 Act. The application, which was signed by Mr Sunderland, stated that the transfer date was 6 August 2021.

9. On 29 November 2021 the Council's Development Control team approved an application for the siting of an additional two caravans, taking the site number to 87.

10. On 8 June 2022 Ms Clooney and her colleague David Chandler attended the site to carry out an inspection. The inspection notes record that various concerns were raised by the residents in relation to parking and amendments to the site which took up most of the allocated inspection time. A full inspection was therefore not able to be undertaken but an updated site plan was requested from Wyldecrest. That was sent on 1 August 2022 by Mr Sunderland.

11. On 20 October 2022 Mr Chandler wrote to Mr Sunderland about the issues raised by residents at Wilby Park. In particular, he stated that the number of units were 90/91 as opposed to the limit of 85 and raised concerns about access for firefighting and other emergency vehicles due to the narrowness of some of the roads.

12. On 1 December 2022 Mr Chandler wrote to Mr Sunderland raising the issue of parking spaces and the lack of turning circles. The council also stated that they would be discussing the fire risk assessment with Northants Fire.

13. On 19 December 2022 Mr Sunderland made an application to vary the condition as to the number of homes by removal of the limit altogether.

14. On 8 March 2023 the council carried out a further inspection of the site which identified 95 units altogether and raised concerns about density and spacing, parking facilities and the condition of the roads. It was clarified during the original hearing that there were in fact 92 caravans and 2 unoccupied bases on site at that time.

15. On 23 March 2023 Ms Clooney wrote to the applicant notifying them of several breaches of the licence conditions. The council requested that works on any new plots should cease until the concerns outlined by the council were addressed. Mr Sunderland confirmed that, as far as he was aware, there had been no changes to the site since then, other than the removal of one of the empty bases in June 2024 following the order of this tribunal in *Johnston v Wyldecrest Parks (Management) Ltd* CAM/34UH/PHC/2023/0011.

16. On 18 May 2023 the Central Licensing Unit finally sent the approved licence to the applicant (dated 20 April 2023), signed by Amanda Wilcox,

Head of Environmental Health. The conditions were the same as those applied in 2017 as detailed in paragraph 7 above.

17. Those conditions were varied by the respondent in response to the tribunal's directions dated 23 December 2024 and those which remained in dispute are considered in this decision.

Inspection

18. The tribunal had originally inspected the site on the morning of 11 April 2024.

19. Wilby Park consists of a central area with the ground rising fairly steeply to both the western and north-eastern boundaries, which abut a recreation ground to the west, allotments to the east and agricultural land to the north. Most homes are within the central area, those higher up have much larger gardens.

20. As at the date of inspection the park had 92 homes in situ and two empty bases, one immediately to the front of 57 (30B) and another to the front of 26B (25A). As detailed above, the base for 30B has since been removed by the applicant and the garden to the front of 57 reinstated, following an order of this tribunal.

21. The site was fairly tightly developed, particularly in the central area. Roads were a mix of older concrete with more recent tarmacked sections. There appeared to be around 100 parking spaces with most pitches having access to a space on their pitch or in a parking area. It was clear that recent development had removed some of the parking spaces, as the marked places could still be seen at the edge of the new pitches.

22. Mr Sunderland confirmed in the hearing that there had been no changes to the site since that inspection (apart from the removal of the base for 30B). The last new resident recorded was for number 45, a new caravan installed by the applicant in early 2024.

The law

23. The relevant provisions of the 1960 Act are annexed to this decision.

24. Section 1 makes it an offence for an occupier of land to use or to permit it to be used as a caravan site unless he is a holder of a site licence. Section 3 deals with the issue of a licence on an application made by the occupier and section 5 provides for the power of the local authority to attach conditions to the licence. They include under section 5(a) conditions for restricting the occasions on which caravans are stationed on the land for the purposes of human habitation or the total number of caravans which are so stationed at any one time.

25. Section 5(6) provides for the issuing of model standards. The Model Standards 2008 for Caravan Sites in England were made under this

provision and are intended to represent what would normally be expected on residential sites as a matter of good practice.

26. Sections 7 deals with an appeal against licence conditions by any person aggrieved by any condition subject to which a site licence has been issued to him. It requires the tribunal to be satisfied that the condition is unduly burdensome before varying or cancelling the condition.

27. Mr Sunderland wished to rely on the FTT decision in *Wyldecrest Parks (Management) Ltd v Vale of White Horse District Council* CAM/38UE/PHR/2016/0001 both for the definition of "unduly burdensome" and some of the conclusions in respect of similar conditions. The tribunal explained that FTT decisions involving different parties and sites are of no precedent value. The tribunal also considers that it is inappropriate to put a gloss on the words used in the statute, in particular the suggestion that something is "unduly burdensome" because it is not necessary or serves no useful purpose seems to the tribunal to go too far. It is for the applicant to establish that a condition is unduly burdensome, for example by reference to the cost or amount of work necessary to achieve compliance.

The disputed conditions

Condition 3: No caravan or combustible structure shall be situated within 3 metres of the site boundary.

28. Mr Sunderland argued that this condition was unnecessary and impossible to be complied with, although he admitted that there was in fact no caravan less than 3m from the site boundary.

29. Mr Lewin pointed out that this was not a new condition. The 1971 licence contained a requirement for caravans to be placed not less than 10 feet from a carriageway and the 1997 licence included this condition for the first time. The explanatory notes to the Model Standards explain that the 3m separation distance inside the boundary serves the purpose of ensuring privacy from whatever is on the other side. Here, there was a road and housing to the front of the site, allotments and a recreation ground to either side. The applicant had not provided any evidence of any problems in meeting the standard.

30. As stated above, section 7 of the 1960 Act requires the tribunal to be satisfied that the condition is unduly burdensome before making any decision to vary or cancel it. The section also requires the tribunal to have regard to the Model Standards. This condition is part of Model Standard One and no evidence has been provided by the applicant in support of their challenge. In the circumstances, **the condition remains unchanged**.

Condition 5: The licensee must inform the Licensing Authority in writing:

- **Prior to any caravan unit (or units) being removed, replaced or fully refurbished;**
- **Prior to siting any new unit;**
- **Prior to alterations being made to the site layout**

31. The condition originally included a requirement for consent to changes to the layout but this is now new condition 6, dealt with below.

32. The applicant's objection was that it might not know when occupiers removed or replaced their caravans and in any event this was an unnecessary condition when making alterations which were otherwise permitted under the licence. It went beyond the Model Standards and was unduly burdensome.

33. In response, the council pointed to the changes made to the site from 2021 to 2024, some of which were in breach of the licence and the residents' concerns. Prior notification was thought necessary to prevent further breaches.

34. The tribunal does not consider that prior notification of intended changes by them is unduly burdensome to the applicant and sees the sense of the council being forewarned, given their duty to issue and supervise site licences. The tribunal accepts that this condition must only apply to the applicant and in the circumstances, varies the condition as follows:
The licensee must inform the Licensing Authority in writing prior to their:
    - **removal, replacement or fully refurbishment of any caravan unit;**
    - **siting any new unit;**
    - **alteration to the site layout.**

Condition 6: The layout of the site shall not be varied without the prior written consent of the Council, which consent shall not be unreasonably withheld and shall in any event be determined within 28 days of the date of request for consent.

35. Again, the challenge by the applicant was that it was unduly burdensome for the Council to have to give consent to any variation which was permitted under the licence. Given the failure of the Council to respond to the applicant in the past, the licence application having taken 21 months, the applicant was concerned that lawful development would be hamstrung in the event of a failure to respond. Forcing the applicant to apply to the tribunal or judicially review any failure to respond would also be unduly burdensome in terms of cost and delay.

36. Mr Lewin pointed out that this condition was proposed following development by the applicant in breach of licence conditions and to meet residents' concerns in the light of apparent proposals to add even more caravans to what was already a well-developed site. A similar condition was approved by the Upper Tribunal in *Wyldecrest Parks (Management) Ltd v Guildford Borough Council* [2017] UKUT 433 (LC). That decision

considered options other than judicial review in the event of a failure to respond, including the fact that the applicant could proceed at risk if they felt that consent had been unreasonably withheld. The council would accept the addition of "material" to layout changes as well as deemed refusal in the light of any failure to respond, to allow the applicant to appeal to the tribunal if that was their preferred option. Given the effect on the residents of any further expansion of the site, it was much more sensible to provide for prior approval of any more material changes.

37. Section 5 of the 1960 Act permits the licensing authority to apply such conditions as the authority may think necessary or desirable in the interests of the residents. As discussed in the *Guildford* case, it is much better for all parties that any problem in relation to proposed material changes is sorted out in advance rather than in subsequent enforcement proceedings. The tribunal agrees that this site is very well developed and it is not apparent that further material changes could be effected without an adverse impact on at least some of the residents. The changes that took place between 2021 and 2024 certainly have had such an effect. Ms Clooney's evidence of the residents' concerns as to the removal of their gardens, parking spaces and communal green spaces was not challenged by the applicant. The tribunal considers that the condition should be varied to apply only to "material" changes and it should be made clear that should the council fail to respond within the stated time limit, the applicant may apply to the tribunal for an order under section 8 of the 1960 Act, as suggested in the *Guildford* case.

38. The tribunal rejects the argument by the applicant that this process is unduly burdensome. The site owner is a well-resourced commercial enterprise with over 100 sites. The balance of power is firmly in their favour, compared with the residents who are generally elderly and sometimes vulnerable. As stated above, the tribunal has already determined one application where the applicant was ordered to remove a base and reinstate the garden which the tribunal found was part of the pitch of a caravan purchased by a vulnerable partially-sighted resident. In those circumstances the tribunal considers that this condition is within the power of the council to prevent future similar problems, subject to the variations mentioned above. The condition is therefore varied to:
No material change may be made to the layout of the site without the prior written consent of the Council. Such consent shall not be unreasonably withheld and shall in any event be determined within 28 days of the date of request. Failure to respond in time or the refusal of consent shall be treated as the refusal of consent to vary the condition so as to permit an appeal to the appropriate tribunal under section 8 of the 1960 Act.

Condition 8: From 28 March 2017, all new, fully refurbished or replacement park homes/caravans, porches and other structures must comply with the site licence conditions. Please see the Schedules attached to the licence in respect of Permitted Breaches arising prior to 28 March 2017.

39. Mr Sunderland argued that this condition should be varied to the same date as this decision, to reflect the fact that the licence was newly issued in 2023 and the applicant should not be held responsible for any breaches before the conditions had been finally determined. That said, he confirmed that he was unaware of any new breaches since the applicant had taken ownership of the site.

40. Mr Lewin confirmed that the purpose of the condition was to "draw a line in the sand" as to historic breaches which were by residents as opposed to the site owner, due mainly to the addition of porches or sheds to homes and pitches. He acknowledged the force of the argument that given the transfer of ownership, it might be fairer to bring the date forward to August 2021 but there had been no new inventory at that date.

41. Given the purpose of the condition and the evidence that the applicant was unaware of any further breaches, the tribunal does not consider that it has established the condition is unduly burdensome, even if the inventory predated the transfer of ownership to the applicant. In any event, the applicant had previously confirmed that Wilbrook Parks Limited were part of the Wyldecrest group of companies and therefore this is not an example of an arms-length purchaser being taken by surprise by an onerous condition. **The condition remains unchanged**.

Condition 9: The maximum number of caravans stationed on the site shall not exceed 92.

42. The site licence had always been limited to a number of caravans, prior to the issue of this new licence, that number had been 85. The applicant had previously applied to remove this condition and between 2021 and 2024 the number of caravans on site had been increased to 92, hence the variation by the council. In addition, there was one remaining empty base at the date of the hearing. The applicant pointed out that planning permission was unlimited and argued that the other conditions as to spacing between caravans and the design of roads determined how many homes could be accommodated. In those circumstances, the condition was unduly burdensome.

43. The FTT in the *White Horse* case had agreed with that conclusion. When asked whether he relied on any other authorities, Mr Sunderland provided a copy of *Edsell Caravans Parks Ltd v Hemel Hempstead Rural District Council* (1965) 1 QB 895. He was unable to recall any particular part of that decision but maintained that it supported his position.

44. Mr Lewin pointed out that section 5(1)(a) of the 1960 Act specifically referred to the ability of the licensing authority to restrict the total number of caravans on the site at any one time. The *Edsell* case supported that conclusion, rather than supporting the applicant's arguments. The Court of Appeal overturned a decision of the Divisional Court which held that a restriction on numbers in the light of unlimited

planning permission was unduly burdensome. The justices (decisions under the 1960 Act were at that time made in the Magistrates Court) "*were entitled to have regard to all matters which fairly and reasonably related to the use of the site as a caravan site, even though they might also be referable to planning considerations*" (Lord Denning at E 925). As part of their considerations had included matters which solely related to planning, the case was referred back to them for reconsideration of the condition. Here, Mr Lewin emphasised the fact that the recent development had adversely affected several residents and the potential of further development on residents' gardens (a site plan had been obtained by the residents showing additional caravans placed on existing pitches) meant that the condition was necessary to protect the residents' interests. The council had increased the number to reflect the reality on the ground, even though there were unhappy with the effect on the accessibility by car to part of the site.

45. A limit on the number of caravans is a common feature of a site licence and there are clearly good reasons to have that transparency. Given the development following the purchase of the site by the applicant and the adverse impact on at least some of the residents, together with the apparent suggestion that future development would lead to a reduction in established pitches, the tribunal agrees that a limit is necessary or desirable in the interests of the residents. The applicant has not provided any evidence that the condition, varied to 92, is unduly burdensome. Any further development will need to be conducted with the consent of the council, given condition 6, which is far more preferable than development in breach of the licence which may then lead to enforcement or tribunal proceedings. **The condition remains unchanged**.

Condition 11: All roads and footpaths shall be designed to allow adequate access for firefighting appliances and other emergency vehicles. Roads shall not be less than 3.7 metres wide with a height clearance of not less than 4.5 metres. Gateways shall not be less than 3.1 metres wide. Roads shall allow for vehicles with a turning circle of 17 metres diameter and a sweep circle of 25 metres diameter. Turning facilities shall be provided on any cul-de-sac road exceeding 20 metres in length and shall be sufficient for vehicles with a turning circle of 17 metres. (The road system existing as of 1 April 2017 will be accepted. However, if any significant alteration to the site layout is undertaken then the above condition shall be met in full in respect of the new layout).

46. The applicant accepted the words in brackets but argued that the rest of the condition should be limited to the date of issue of the licence or the date of this determination. The applicant should not be held responsible for any changes to the layout prior to the conditions coming into force. It was an abuse of process to apply conditions to the licence for enforcement purposes. Mr Sunderland's alternative argument was that he withdrew his objection to the original conditions, which referred to the date of the licence as opposed to 1 April 2017.

47. This condition had been included in the site licence since 1 April 2017, when the conditions had been updated as referred to above. Mr Lewin argued that amending the starting date to the issue of this licence would regularise breaches of the condition which have taken place since the site was acquired by the applicant.

48. No evidence was offered by the applicant to support their assertion that the condition was unduly burdensome. They were aware of the condition at least since 2021, when they applied for the licence to be transferred. The fact that the Upper Tribunal held a new licence had been issued due to the council's failure to comply with section 10 of the 1960 Act does not affect the need for this tribunal to be satisfied that the condition is unduly burdensome before considering whether to vary or cancel it. This tribunal also ordered the council to provide new conditions in response to the Upper Tribunal decision and in the circumstances, it is not open to the applicant to withdraw their objection to the original condition. In the circumstances **the condition remains unchanged**.

Condition 12: All roads and footpaths shall be constructed of a suitable material and shall be properly maintained at all times in accordance with relevant Codes of Practice.

49. Mr Sunderland's objection had been premised on the basis that the condition as worded appeared to oblige the applicant to reconstruct the old roads as well as carry out agreed maintenance. Recognising that this could be unduly burdensome the tribunal proposed amendments which were agreed by both parties. The condition is therefore varied to: **All new roads and footpaths shall be constructed of a suitable material. All roads and footpaths shall be properly maintained at all times in accordance with relevant Codes of Practice**.

Condition 14: Emergency vehicle routes within a site shall be kept clear from obstruction at all times.

50. Mr Sunderland asserted that "at all times" was unduly burdensome. If read literally, it would prevent the movement of homes or repair of road surfaces.

51. Mr Lewin pointed out that the same wording appeared in the Model Standards (as part of a standard including similar wording to Condition 11 as set out above). The explanatory notes to the standards confirm that the widths and heights given are based on the maximum sizes of emergency vehicles that may regularly attend on sites. The condition had to be read with common sense, it was unthinkable that enforcement action would be taken in response to any temporary blockage.

52. The tribunal is not clear that "at all times" adds anything material to the condition but bearing in mind that the exact wording is in the Model Standards and accepting that there must be an allowance for traffic etc on the roads from time to time, **the condition remains unchanged**.

Condition 25: varied to align with Condition 12 of the Model Standards (Domestic Refuse Storage and Disposal)

53. This variation by the Council was agreed at the hearing.

Condition 26: sufficient space to allow for at least 2.75 cubic metres of storage must be allowed for each caravan hard standing. Storage spaces should be separate from the caravans they serve.

54. This condition was varied by the Council after the hearing, the tribunal permitting further written submissions and a response by the applicant. Mr Lewin pointed to a similar condition being a feature of this site going back to at least the 70s. As such, it was an important and long-standing amenity benefit enjoyed by resident and therefore necessary or desirable to preserve this benefit for future residents.

55. The applicant's response to those submissions pointed out that the earlier conditions related to the provision of storage space rather than "allowed" storage space. This was an antiquated condition which should have been removed having had regard to the relevant Model Standards. The Council concede that the condition as amended does not require the licence holder to supply or do anything. In those circumstances Mr Sunderland submitted the condition was unduly burdensome.

56. The condition originally required the provision of covered storage space. The current version does not appear to add anything to the requirement for a pitch of at least 3m around the caravan but does not appear to be unduly burdensome either. The tribunal has some sympathy with Mr Sunderland's comments but rejects the interpretation of unduly burdensome as including something which is unnecessary or serves no useful purpose. In the circumstances, **the condition as varied by the respondent is unchanged**.

Condition 27: Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan in separate occupation.

57. This variation by the applicant was agreed at the hearing.

Condition 28: Suitably surfaced parking spaces shall be provided on the site at a ratio of not less than one per caravan plus one further space for every five caravans.

58. Mr Sunderland accepted that this was the standard ratio used for parking at Park Home sites but submitted that it was unduly burdensome and could not be complied with by the applicant. It would require 110 parking spaces which did not exist. He suggested that the wording in the Model Standards was more appropriate i.e. to meet the requirements of residents and their visitors.

59. Mr Lewin submitted that it was desirable to have certainty about the number of car parking spaces available on site. The explanatory notes to the Model Standards made it clear that parking requirements were to have regard to the number of units amongst other factors. The current condition had been in the licence since 1997 and the removal of spaces had already been raised as a concern by residents. The applicant had provided no evidence to support their assertion that it would be impossible or unduly burdensome to provide the required number.

60. The tribunal agrees with Mr Lewin that the applicant has failed to discharge their evidential burden to satisfy the tribunal that this long-standing condition is unduly burdensome. It is clearly in the interests of residents to have sufficient parking for their use and the ratio is the accepted industry standard. **The condition remains unchanged.**

Condition 32: All notices shall be suitably protected from the weather and from direct sunlight.

61. This variation suggested by the tribunal from the Model Standards was agreed by the parties at the hearing.

Condition 34: No caravan intended for residential purposes shall be brought onto the site unless it complies with the relevant British Standard and any other relevant standard.

62. The applicant suggested that this condition could be in breach of section 5(2) of the 1960 Act, which states that no condition can be attached to the licence which controls the types of caravans by reference to the materials used in their construction.

63. A copy of the standard had not been provided by the Council and therefore the tribunal ordered that they provide one and any additional submissions on the challenge after the hearing. Those submissions pointed out that BS3632 was principally concerned with the design of caravans, rather that the specific materials used in their construction. Although there was a section in the standard headed "materials", it is apparent from reading that section that it does not specify any particular material to be used in the construction of a park home; rather it provides minimum standards which must be met by external cladding of roof and wall structures, lining and floorboards. In those circumstances, there was no breach of section 5(2).

64. The applicant replied that the standard related to manufacturers rather than site owners. In the 16 years Mr Sunderland had been dealing with caravan parks he had never seen the standard and he asserted that to learn the standard and ensure compliance with every caravan on site would be unduly burdensome.

65. Again, this condition has been in the licence since at least 1997. The tribunal also accepts that the British Standard is concerned with the resulting safety of the caravan for residential use rather than the actual

materials used in its construction. The condition refers to caravans being brought onto site. The tribunal accepts that to reassure itself about the condition of every caravan already on site could be unduly burdensome and therefore varies the condition to make it clear that it should only apply to caravans brought on site by the licence holder. Given that this standard is well-established, the tribunal considers it is likely that the new units sold by the applicant since they purchased the site will comply. In the circumstances the condition is varied to:
No caravan intended for residential purposes shall be brought onto the site by the licence holder after 6 August 2021 unless it complies with the relevant British Standard for manufacture of residential caravans (currently BS3632).

Condition 35a and 35b (Permitted breaches)

66. These are not really separate conditions, they provide further details of the permitted breaches identified as at 28 March 2017 as indicated in condition 8 above.

67. The applicant stated that these conditions were new, although they were clearly part of the licence from at least 1 April 2017. As stated before, they simply makes it clear that porches, sheds and conservatories etc added by residents over the years that are in breach of licence conditions must be removed on transfer, replacement or full refurbishment of the home. It is useful for both the site owner and the residents to have clarity as to permitted breaches of this nature. The applicant offered no evidence that this condition was unduly burdensome and in the circumstances **the condition remains unchanged**.

Condition 36: These conditions shall have effect from 1 April 2017.

68. The applicant submitted that the condition should have effect from 20 April 2023 i.e. the date of the licence. No specific argument was made as to the effect of this date being earlier than the date the licence was issued to them but it seems to the tribunal that given the Upper Tribunal's decision that a new licence was issued by the council to the applicant on 20 April 2023, that must be the relevant date (and it would be unduly burdensome to backdate them to a period before the change of ownership). The licence holder will still need to comply with the conditions going forward and works may be necessary to improve the roads or increase the number of parking spaces. The condition is therefore varied to:
These conditions shall have effect from 20 April 2023.

Schedules and Informative (and a copy of the site rules)

69. The applicant objected to these on the basis that they were not conditions. In fact, the schedules relate to the permitted breaches by residents as detailed above. The council as a matter of practice publishes the schedules with the site rules for transparency so that the residents and the public at large have an understanding of what is and what is not

permitted on the site. No argument was made that any of these "conditions" were unduly burdensome and it seems to the tribunal that it is a matter for the council what it chooses to publish and how (subject to any other legislative requirements). In the circumstances **any condition included in these items remains unchanged**.

70. The tribunal hopes that this matter has now reached a conclusion. The applicant has been successful in increasing the number of homes permitted on site to 92, may need to provide additional parking spaces/carry out some works to the roads if those conditions are not met and will probably have to obtain permission from either the council or the tribunal for any future material changes. Those conditions are clearly in the interests of the residents, given the adverse impact of some of the changes made to the site since the purchase of Wilbrook Parks Limited by the applicant in 2021.

Judge Wayte **15 April 2025**

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

Licensing of caravan sites

5 Power of local authority to attach conditions to site licences.

(1)A site licence issued by a local authority in respect of any land may be so issued subject to such conditions as the authority may think it necessary or desirable to impose on the occupier of the land in the interests of persons dwelling thereon in caravans, or of any other class of persons, or of the public at large; and in particular, but without prejudice to the generality of the foregoing, a site licence may be issued subject to conditions—

(a)for restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at any one time;

(b)for controlling (whether by reference to their size, the state of their repair or, subject to the provisions of subsection (2) of this section, any other feature) the types of caravan which are stationed on the land;

(c)for regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, of structures and vehicles of any description whatsoever and of tents;

(d)for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;

(e)for securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;

(f)for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.

(2)No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.

(2A)Where the Regulatory Reform (Fire Safety) Order 2005 applies to the land, no condition is to be attached to a site licence in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order…

(6)The Minister may from time to time specify for the purposes of this section model standards with respect to the layout of, and the provision of facilities, services and equipment for, caravan sites or particular types of caravan site; and in deciding what (if any) conditions to attach to a site licence, a local authority shall have regard to any standards so specified…

7 Appeal against conditions attached to site licence

(1)Any person aggrieved by any condition (other than the condition referred to in subsection (3) of section five of this Act) subject to which a site licence has been issued to him in respect of any land may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court ; and the court or, in a case relating to land in England, to the tribunal; and the court or tribunal, if satisfied (having regard amongst other things to any standards which may have been specified by the Minister under subsection (6) of the said section five) that the condition is unduly burdensome, may vary or cancel the condition.

(1A)In a case where the tribunal varies or cancels a condition under subsection (1), it may also attach a new condition to the licence in question.

(2)In so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

8 Power of local authority to alter conditions attached to site licences.

(1)The conditions attached to a site licence may be altered at any time (whether by the variation or cancellation of existing conditions, or by the addition of new conditions, or by a combination of any such methods) by the local authority, but before exercising their powers under this subsection the local authority shall afford to the holder of the licence an opportunity of making representations.

(1A)Where the Regulatory Reform (Fire Safety) Order 2005 applies to the land to which the site licence relates, no condition may be attached to a site licence

under subsection (1) of this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.

(1B)A local authority in England may require an application by the holder of a site licence in respect of a relevant protected site in their area for the alteration of the conditions attached to the site licence to be accompanied by a fee fixed by the local authority.

(2)Where the holder of a site licence is aggrieved by any alteration of the conditions attached thereto or by the refusal of the local authority of an application by him for the alteration of those conditions, he may, within twenty-eight days of the date on which written notification of the alteration or refusal is received by him, appeal to a magistrates' court; and the court or, in a case relating to land in England, to the tribunal; and the court or tribunal may, if they allow the appeal, give to the local authority such directions as may be necessary to give effect to their decision.

(3)The alteration by a local authority of the conditions attached to any site licence shall not have effect until written notification thereof has been received by the holder of the licence, and in so far as any such alteration imposes a requirement on the holder of the licence to carry out on the land to which the licence relates any works which he would not otherwise be required to carry out, the alteration shall not have effect during the period within which the said holder is entitled by virtue of the last foregoing subsection to appeal against the alteration nor, thereafter, whilst an appeal against the alteration is pending.

(4)In exercising the powers conferred upon them by subsection (1) and subsection (2) of this section respectively, a local authority and a magistrates' court, a magistrates' court and the tribunal shall have regard amongst other things to any standards which may have been specified by the Minister under subsection (6) of section five of this Act.

(5)The local authority shall consult the fire authority fire and rescue authority before exercising the powers conferred upon them by subsection (1) of this section in relation to a condition attached to a site licence for the purposes set out in section 5(1)(*e*) of this Act.

(5A)Subsection (5) of this section does not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.