



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : **CAM/34UH/PHR/2023/0001**

HMCTS code : **P:PAPERREMOTE**

Property : **Wilby Park, Main Road, Wilby,
Northants NN8 2UL**

Applicant : **Wyldecrest Parks (Management)
Ltd**

Respondent : **North Northamptonshire Council**

Type of application : **Application for permission to
appeal**

Tribunal members : **Regional Judge Ruth Wayte
Regional Surveyor Mary Hardman**

Date of Decision : **29 May 2025**

DECISION

Decision

1. The Tribunal has considered the Applicant's request for permission to appeal to the Upper Tribunal Lands Chamber dated 10 July 2023 and determines that:
 - a. It will not review its Decision; and
 - b. Permission be refused for appeal to the Upper Tribunal Lands Chamber.
2. The Respondent may make a further application for permission to appeal directly to the Upper Tribunal (Lands Chamber). Any such application must be made no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.
3. Where possible, the Respondent should make any further application for permission to appeal online using the Upper Tribunal's online document filing system, called CE-File. This will enable the Upper Tribunal to deal with it more efficiently and will enable the parties to follow the progress of the application and submit any additional documents quickly and easily.
4. Information about how to register to use CE-File can be found by going to the following web address:
[https://www.judiciary.uk/wp-content/uploads/2021/07/Practice-Note-on-CE-filing-Lands-Chamber-17.6.21 .pdf](https://www.judiciary.uk/wp-content/uploads/2021/07/Practice-Note-on-CE-filing-Lands-Chamber-17.6.21.pdf)
5. Alternatively, it is possible to submit an application for permission to appeal by email to: Lands@justice.gov.uk.
6. The Upper Tribunal can also be contacted by post or by telephone at: Upper Tribunal (Lands Chamber), 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (Tel: 020 7612 9710).

Reasons

7. The relevant provisions in respect of appeals are set out in the Practice Directions of the Upper Tribunal (Lands Chamber) dated 2 January 2024 ("the Practice Directions").
8. Paragraph 11.14 of the Practice Directions provides that permission to appeal will be granted if the Tribunal considers that the proposed appeal has a realistic prospect of success, unless the sum or issue involved is so modest or unimportant that an appeal would be disproportionate. Permission to appeal may also be granted if the Tribunal considers there is some other good reason for an appeal.
9. The Applicant makes eight general statements before providing further argument in respect of each of the conditions which are the subject of this

further appeal. The tribunal will consider each in turn, making reference to paragraphs in its decision dated 15 April 2025 by square brackets.

10. The first assertion is that the tribunal treated the application as if it was a transferred licence and not a new licence. It is not clear what the applicant means by that. The tribunal applied section 7 of the Caravan Sites and Control of Development Act 1960 (“the 1960 Act”) as explained in [26] and [27]. Section 7 is the appropriate provision for appealing conditions attached to a new licence. That said, the site itself was not of course new. The conditions the council had originally wished to apply had been reviewed and updated in 2017, taking into account the Model Standards 2008 for Caravan Sites in England, amendments to reflect the Mobile Homes Act 2013 and other site-specific issues. Those conditions had been reviewed by them as directed by this tribunal in the light of the Upper Tribunal’s decision that they had issued a new licence, albeit inadvertently. Section 5 of the 1960 Act sets out the power of the local authority to attach conditions to site licences in the interests of the residents and others. The tribunal considered those conditions and applied section 7 as appropriate.
11. In paragraphs 2 and 3, the applicant asserts that the tribunal did not follow two authorities, binding upon it. That is simply incorrect as explained in paragraphs [35] to [37], dealing with the *Guildford* case and [43] to [45], in respect of *Edsell*. Both decisions were applied by the tribunal in reaching its decision.
12. The assertion in paragraph 4 as to section 5(2) of the 1960 Act is better dealt with when considering condition 34 below, together with any more specific allegations about the alleged failure to follow the 2008 Model Standards. In general, the tribunal considers that it had proper consideration to those standards, as required by section 7 of the 1960 Act.
13. The tribunal explained in [27] why it was not bound by a decision of the FTT in respect of another site.
14. As stated above, the tribunal’s jurisdiction in relation to this appeal is under section 7 of the 1960 Act. That requires the tribunal to be satisfied that a condition is unduly burdensome before it can vary or cancel it.
15. The final general argument is made in respect of a case management order dated 23 December 2024. No appeal was made in respect of that order at the time and it is too late to appeal it now. In any event, given the appeal decision, it was perfectly sensible to give the local authority an opportunity to review its position and both parties a further opportunity to try and agree the conditions to reduce the length of the hearing or avoid it altogether. That was partially successful in reducing the number of conditions in dispute.
16. Moving on to the more specific allegations, the tribunal’s decision in respect of Condition 3 is set out at [28] to [30]. No evidence was provided by the applicant to show that the condition was unduly burdensome.
17. Condition 5 is considered at [31] to [34]. The condition was varied to make it clear that it applied only to any proposed changes by the appellant. The

tribunal was not satisfied that prior notification of such changes would be unduly burdensome. The council's evidence was not challenged by Mr Sunderland – as confirmed in [5].

18. Condition 6 is considered at [35] to [38] and provides the applicant with an appeal route under section 8 of the 1960 Act in the event that the council fails to respond. That follows the suggestion in *Guildford*, to avoid the appellant being left in limbo.
19. Condition 8 is considered at [39] to [41]. Again, no evidence was provided that the condition was unduly burdensome, as required by section 7 of the 1960 Act.
20. Condition 9 is considered at [42] to [45]. The tribunal applied *Edsell*. The local authority is entitled to apply a limit to the number of caravans to the licence under section 5(1)(a) of the 1960 Act. That limit was increased to the number of caravans on site as at the inspection. That is totally separate to any planning requirement. No evidence was provided by the applicant that the condition was unduly burdensome.
21. Condition 11 is considered at [46] to [48]. The main challenge is that the original wording referred to the date of the licence as opposed to 1 April 2017, the date most of the conditions had been updated before the transfer of ownership to the appellant. The tribunal's further directions had allowed the council to amend all of their conditions and the appellant is aggrieved by that. As stated above, the appellant did not appeal the directions order at the time and in any event it was perfectly sensible to ask the council to reconsider the conditions in the light of the appeal. No evidence was provided that this condition was unduly burdensome.
22. Condition 26 is considered at [54] to [56]. The appellant agrees that this condition requires them to do nothing and in those circumstances it is hard to see how the tribunal could have held it was unduly burdensome. That said, the tribunal also observed that the condition was meaningless.
23. Condition 28 is considered at [58] to [60]. No evidence was provided that the condition was unduly burdensome. The applicant simply made an assertion that they could not provide sufficient parking spaces, which was insufficient to discharge their evidential burden.
24. Condition 34 is considered at [62] to [65]. It was varied to make it clear that it could only apply to caravans brought on site by the licence holder after 6 August 2021 (the date of the transfer to the applicant). This was not a new condition and the standard is not new either. The tribunal considered the wording of the standard to ensure it did not conflict with section 5(2) of the 1960 Act. The tribunal considered that the condition, as varied, would not be unduly burdensome for the licence holder. No evidence was provided to the contrary, even though the applicant had brought a number of caravans on site after their transfer.
25. Conditions 35a and 35b are dealt with at [66] to [67]. The tribunal explained that they were not *separate* conditions but provided more information as part

of Condition 8. In the circumstances, the tribunal had jurisdiction to consider them under section 7 of the 1960 Act. Again, no evidence was provided by the applicant that the conditions were unduly burdensome.

26. Condition 36 is dealt with at [68]. The tribunal accepted the applicant's argument made at the time. They now appear to appeal that decision on the basis of a new argument not raised before them. That cannot legitimately be part of an appeal.
27. Schedules and Informatives are dealt with at [69]. The tribunal's decision is clear that any condition included in those items remains unchanged, there having been no argument that they were unduly burdensome as required under section 7 of the 1960 Act. If no conditions are included, the decision does not affect the applicant. In any event, the tribunal has not required the inclusion of this item in the licence, it simply observed why the local authority may wish to do so.
28. Finally, the applicant refers to conduct and unfounded allegations by the respondent and alleges that there has been a procedural defect by the tribunal, without stating what defect. As stated before, the applicant chose not to challenge the evidence of the council's witness by way of cross-examination and therefore her statement was accepted by the tribunal. No witness evidence was provided by the applicant. The tribunal's further directions ensured that the conditions were reconsidered by the council in the light of the decision that the licence had been newly issued, which deals with the other complaint raised in the final paragraph of the application.
29. In the circumstances the Tribunal does not consider that there is any realistic prospect of a successful appeal in this case. The Tribunal also does not consider that there is any other good reason for an appeal and therefore permission to appeal is refused. In those circumstances the application for a stay is also refused.

Name: Judge Wayte

Date: 29 May 2025