



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

Case Reference	: HAV/24UL/PFA/2025/0001
Property	: Brookside Park, Hawley Lane, Farnborough, Hampshire, GU14 9AZ
Applicant	: Farnborough Caravan Sites Limited
Representative	: Mr Clements, solicitor, IBB Law LLP
Respondent	: Mr Crorie, counsel, instructed by Rushmoor Borough Council
Representative	:
Type of Application	: Appeal by a person applying for inclusion on a local authority register of fit and proper persons against the LA's decision to reject their application - Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020
Tribunal Members	: Regional Judge Whitney Mr N Robinson FRICS Ms J Dalal
Date of Hearing	: 5 September 2025
Date of Decision	: 4 December 2025

Decision

Summary

1. We allow the appeal and find that Mr Simon Howard is a fit and proper person who should be added to the appropriate register for a term of five years from 1 August 2024 subject to the following two conditions:
 - The Manager is required to maintain and comply with a Maintenance plan, shared with the Residents' Association, to demonstrate that the site will be properly maintained at all times.
 - The Manager is required to maintain a resident's complaint log, including the nature of the complaint, date received, resolution and date resolved. The log should be made available for examination by the Licensing Authority on reasonable request.
2. The Respondent shall within 28 days of the date of this decision reimburse the Tribunal fees paid of £337 to the Applicant.

Background

3. The Applicant has made an application to appeal against a Notice of Final Decision issued by the Respondent under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. The application was received on 13 February 2025.
4. The Notice of Final Refusal Decision was dated 21 January 2025.
5. The Appeal was received by the Tribunal within the 28-day time limit.
6. The Tribunal issued directions dated 10th April 2025 including provision for an oral hearing. Those directions have been substantively complied with.

Hearing

7. The hearing took place at Aldershot Justice Centre on 5 September 2025. The Applicant was represented by Mr Clements, solicitor. Mr Simon Howard, the proposed fit and proper person attended and gave oral evidence. Mr Crorie of counsel represented the Respondent. Mr Edwards, solicitor for Rushmoor Borough Council attended together with Ms Bowman, Licensing Manager, who gave evidence on behalf of the Respondent.

8. The Tribunal had an electronic bundle of 577 pdf pages and references in [] within this decision are to pages within that bundle. The Tribunal was also provided with a short video clip.
9. The hearing was recorded. It began at about 10am and completed at 3.15pm. Below is a precis only of what took place.
10. Mr Howard gave evidence on behalf of the Applicant. His statement was at [22-29]. He confirmed the truth of the same, and was then cross examined.
11. This concluded the oral evidence for the Applicant.
12. Mr Corrie relied upon the evidence of Ms Bowman. Her statement was at [30-42]. She confirmed it was true and was then cross examined upon the same.
13. Mr Corrie submitted that the test was for the Tribunal to conduct a re-hearing and not a review of the decision made by the Respondent. He suggested that the test was on the balance of probabilities and the burden rests with the Applicant and Mr Howard to prove he is a fit and proper person. He suggested there were three outcomes the Tribunal could reach: 1. He is a fit and proper person; 2. He is not a fit and proper person; 3. He is fit and proper but conditions should be applied. He relied upon the reasons given by the Licensing Sub committee [115-117]. He suggested that given the longstanding issues at the site relating to complaints it was correct for a determination to be made that Mr Howard was not a fit and proper person. Mr Corrie suggested it was the evidence of Mr Howard that nothing had changed or needed to change. He approached this appeal as a review and not a re-hearing.
14. If we were not with him he suggested that conditions should be imposed similar to those on the earlier decision of July 2023 [112-114] save for condition 1.
15. Mr Clements submitted that the site consists of 69 homes. It has been owned and operated as a site since 1957 and Mr Howard has been the director since 2004. He is the owner of four mobile home sites in England and is registered for all other sites as the fit and proper person without any conditions being imposed.
16. He submitted that it was for the Applicant to determine who to nominate. He suggested it was suitable to nominate Mr Howard. He referred to *CHI/45UC/PHR/2021/0002/0003/0004/0005/006 The Willows and others v. Arun District Council*. This was a decision of the First Tier Tribunal. Paragraph 34 provided the decision was to be a rehearing of the evidence.
17. He suggested it was for the Tribunal to make findings. There was in his submission no history of non-compliance with obligations by the Applicant or Mr Howard. Whilst he accepted complaints are made

predominantly by a single resident on the site, it requires to be managed and in his submission the appointment of someone else would not be a magic bullet.

18. He submitted that the appeal should be allowed and no conditions should be attached. If conditions were imposed these should relate to complaints and maintenance only.
19. In reply Mr Crorie suggested that under the case law and in particular references to *The Queen on the Application of Hope and Glory Public House Limited v The Lord Mayor and the Citizens of the City of Westminster* [2011] EWCA Civ 31 there is no requirement for the Tribunal to consider the process and any failures. It is a matter for us to determine upon the evidence.

The Law

20. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“2020 Regulations”) came into force on 1 July 2021. The 2020 Regulations prohibit the use of land in England as a relevant protected site (a caravan site on which year-round residential occupation is allowed) unless the relevant local authority is satisfied that the owner or manager of the site is a fit and proper person to manage it. An owner of a site that does not meet the fit and proper person requirement commits an offence.
21. A site owner is required to nominate a person. The Local Authority must then consider whether that person is a fit and proper person. Any decision may be appealed to this Tribunal.
22. The relevant part of the 2020 Regulations is Schedule 4:

SCHEDULE 4

Further provision about decisions under regulations 6(1) and 8(1)
Interpretation

1. In this Schedule—

“final decision notice” means a notice that complies with paragraph 5(2);

“notice of action” means a notice that complies with paragraph 7(3); “notice of proposed action” means a notice that complies with paragraph 6(2);

“preliminary decision notice” means a notice that complies with paragraph 3.

Decisions a local authority may make on an application

2. As soon as reasonably practicable after an application is made under regulation 6, the local authority must make a decision on the application and either—

(a) where the decision is to grant the application unconditionally and to include the relevant person on the register for 5 years, serve a final decision notice on the applicant; or

(b) otherwise, serve a preliminary decision notice on the applicant.

Preliminary decision

3. The preliminary decision notice must set out—

(a) the date the preliminary decision notice is served;

(b) the preliminary decision;

(c) the reasons for it;

(d) the date it is proposed that the final decision will have effect;

(e) information about the right to make written representations under paragraph 4(1);

(f) where the preliminary decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of regulation 4(1); and

(g) where the preliminary decision is to grant the application subject to conditions, the consequences of failing to comply with any condition.

Right to make representations

4.—(1) An applicant who receives a preliminary decision notice or an occupier who receives a notice of proposed action may, within the period of 28 days beginning with the day after the day on which the notice was served, make written representations to the authority.

(2) The local authority must take any such representations into account before—

(a) making a final decision under paragraph 5(1)(a); or

(b) taking any of the actions specified in regulation 8(1).

Final decision

5.—(1) Where paragraph 2(b) applies, the local authority must, as soon as reasonably practicable after the end of the period mentioned in paragraph 4(1)—

(a) make a final decision; and

(b)serve a final decision notice on the applicant.

(2) The final decision notice must set out—

(a)the date the final decision notice is served;

(b)the final decision;

(c)the reasons for it;

(d)when the decision is to take effect;

(e)information about—

(i)the right of appeal under paragraph 9; and

(ii)the period within which an appeal may be made;

(f)where the decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of regulation 4(1); and

(g)where the decision is to grant the application subject to conditions, the consequences of failing to comply with any condition.

Appeals

9.—(1) A person on whom a final decision notice is served may appeal to the First-tier Tribunal against—

(a)any decision to include the relevant person on the register for an effective period of less than 5 years;

(b)any decision to include the relevant person on the register subject to conditions; and

(c)any decision to reject the application.

(2) A person on whom a notice of action is served may appeal to the First-tier Tribunal against—

(a)any decision to remove the relevant person from the register;

(b)any decision to impose a condition on the inclusion of the relevant person in the register; and

(c)any decision to vary a condition.

(3) No compensation may be claimed for loss suffered, pending the outcome of the appeal, in consequence of the local authority—

(a)making a final decision; or

(b)taking an action mentioned in regulation 8(1)(a), (b) or (c)

23. Schedule 3 of the 2020 Regulations set out the considerations relevant to a fit and proper person assessment. We have had regard to the same.

Decision

24. We thank all parties for their submissions and evidence.
25. We start by stating we adopt the position as set out in *The Willows* case referred to above as to how we should approach such applications. In doing so, we are satisfied that we should conduct a re-hearing of all the evidence to make our findings as to whether or not Mr Howard is a fit and proper person. We accept the Respondents submission that this is not a review of the decision made and in that regard limit our findings to those matters relevant to the decision we need to make.
26. We have had regard to all the evidence before us both oral and documentary. In addition to the two witness statements of Mr Howard and Ms Bowman we had careful regard to DCLG Guide for local authorities on the fit and proper person test 04.06.21 [45–84] and Rushmoor Council - Fit & Proper Person Determination Policy [85-104]. We reminded ourselves that we should consider such policies in determining whether or not Mr Howard is a fit and proper person.
27. We accept the evidence given by both Ms Bowman and Mr Howard. We record Ms Bowman, save as to the questions relating to complaints in the broad sense, did not seek to suggest Mr Howard was not a fit and proper person. We observe generally she was supportive of Mr Howard and his application.
28. We find that Mr Howard has been a director of the Applicant company since 2004. He has had responsibility for the management of the site, although assisted by others. He is the controlling party for the Applicant. We find he is the fit and proper person of three other residential mobile home sites without any conditions. We find he manages a fourth holiday mobile home site. We are satisfied on the evidence before us that there is nothing to suggest the Applicant company is not solvent and we find on the evidence before us it has sufficient financial resources to manage the site and it is Mr Howard who is the controlling manager and director of the Applicant.
29. We find that Mr Howard was previously found to be a fit and proper person subject to conditions for a period of twelve months from 31st July 2023 by the Respondent. This application is in relation to the Applicant's application to renew the requirement for a fit and proper person. That decision set out concerns that existed as to complaints

made and issues over maintenance. We are satisfied that this is a matter we should have regard to.

30. We find that Ms Bowman in her evidence agreed that Mr Howard had supplied a maintenance plan to the Respondent. Further Ms Bowman agreed that currently she was not aware of any maintenance issues at the site. We are satisfied on the balance of probabilities that the site is appropriately maintained and the Applicant has a plan for the same. This is also evidence of how Mr Howard complied with the condition attached to the earlier determination that he was a fit and proper person.
31. In respect of complaints made to the Respondent Ms Bowman was taken through the log [161-166] in her evidence. She agreed that of the 5 entries that required action Mr Howard had taken steps to resolve them when contacted by the Council. Ms Bowman accepted that some of these complaints had not been drawn to his attention first by the complainant. Ms Bowman in her evidence accepted Mr Howard had dealt with complaints drawn to his attention.
32. As to the question of the complaints log issues were raised as to whether Mr Howard had recorded all complaints made. We are satisfied Mr Howard did record all those matters which were in his opinion a complaint as opposed to drawing something to the site owners attention, a complaint needed to be more than this. We find that in so doing Mr Howard did comply with the previous conditions attached to the registration.
33. At [174-180] is an email from the Residents Association. This indicates the majority of residents support Mr Simon Howard as the fit and proper person.
34. In answering questions Ms Bowman confirmed that almost all complaints about the site and about Mr Howard originated from one resident only. That resident has also made complaints about the Council and Ms Bowman, and that they were being dealt with by the Ombudsman Service. These included allegations that Ms Bowman was biased. Ms Bowman confirmed this resident's complaints to the council ran into many hundreds of pages of emails. We note Ms Bowman had not upheld these complaints.
35. In Ms Bowman's evidence she confirmed this led to a situation whereby she made no recommendation to the licensing sub committee as to whether or not Mr Howard was a fit and proper person due to the allegations of bias made against her. A decision was made by the Respondent's licensing sub committee in private and its decision notice was in the bundle [556-560]. In her evidence she explained that this was an unusual approach for the Respondent to take and reflected the complaints received by the council. Generally she or a colleague would determine such applications. Further she could not give any evidence as to the particular factors or the weight the committee applied. We

note we had no evidence from any member of the committee and in fact the papers did not identify who were the members of such committee.

36. We were shown a video and invited to find that Mr Howard had used profane language directed towards a resident whilst delivering a letter. We observed Mr Howard delivering what we presume was the letter. He was muttering under his breath as he walked away but we were not satisfied his language was profane as we were unable to hear what he said, the recording was not sufficiently clear, and it was not directed at any specific party. He appeared to be muttering to himself.
37. We were not satisfied that Mr Howard had failed to deal with complaints in a reasonable and proportionate manner. It appears that one resident is dissatisfied. We did not hear evidence from this resident. We accept however they may have their own remedies for their dissatisfaction including making complaints to the local authority or applications to this Tribunal. On balance we were not satisfied that these were matters of themselves which meant Mr Howard was not a fit and proper person. It seemed clear Mr Howard generally had tried to address complaints drawn to his attention. Sadly in this instance it was not possible for him to satisfy all persons all of the time in this Tribunal's view. We note however that no further evidence supporting such complaints or the effects was provided.
38. The unchallenged evidence is that Mr Howard has long experience of managing mobile home sites. We are satisfied he has such experience. Matters relating to incorrect pitch fee notices were raised including an application to this Tribunal which was struck out as it was not made in time. Mr Howard admitted there had been errors. He states that amended pitch fee review notices were served and he accepted the decision of the Tribunal. We do not accept that simply because a case was struck out by this Tribunal that amounts to an adverse finding. Equally the serving of a defective pitch fee notice is unfortunate but there was no suggestions any resident had been adversely affected. To the contrary it appears Mr Howard had arranged for corrected notices to be served which delayed the start of the new pitch fee and so it can be said it was the Applicant who was penalised on this occasion. We are not satisfied that these are matters which would lead to us finding Mr Howard is not a fit and proper person.
39. Further we are satisfied that Mr Howard is entitled to live and work in the UK. He is in our judgment competent to manage the site and does not pose a risk to the welfare or safety of others. We heard from Mr Howard in his evidence how he manages the site and his reliance on operatives to assist (see for example [27]). We accept his evidence on this which was not challenged. We are satisfied this is an appropriate way to manage a site such as this.
40. We note the Respondent's policy refers to membership of a redress scheme. It was however accepted by all parties that currently such

scheme does not exist. We place no weight on this failure given it cannot be achieved.

41. We have stood back and considered the totality of the evidence as to whether Mr Howard is a fit and proper person. In so doing we have taken account of all matters raised to consider whether whilst on their own they may not affect our decision if considered in the broader context may they lead to a finding that Mr Howard is not a fit and proper person. We find that they do not.
42. We note he has engaged fully with the process trying to address all matters when raised. For example he instructed solicitors to respond comprehensively to the preliminary decision [550-553].
43. We find that Mr Howard is a fit and proper person. We have considered the period of time for his registration and whether any conditions should be attached to the same. We are satisfied that the registration should be issued for 5 years being the normal period adopted by this local authority[100]. We do however consider it appropriate that conditions should be attached for the benefit of all parties, including Mr Howard. Such conditions were previously attached and Mr Howard did comply. However the continuing imposition given the issues identified is in our judgment appropriate as a safeguard for all. Further we do not consider the imposition of such conditions causes prejudice to the Applicant as these are matters which a well run site would be adopting in any event in our judgment.
44. We consider that the ongoing preparation and provision of a maintenance plan represents prudent management. Mr Howard already undertakes this task and we consider it reasonable and proportionate to require him to maintain the same. This may assist in resolving any complaints which are raised in a timely way for all parties.
45. Further we consider that the imposition of the requirement to maintain a complaints log will benefit all. It is clear that at least one resident is unhappy with the site and its management. We were told her emails of complaint to the Respondent's run in to many hundreds of pages. Mr Howard should maintain a log of all complaints he receives whether they require him to take action or not. This should record:
 - Date of report
 - Who made the report
 - How reported
 - Full details
 - Details of any action taken
46. It is a matter for Mr Howard as to the exact process he adopts but the purpose is to assist him in demonstrating how he has effectively managed the site.

47. We turn now to the question of the reimbursement of the fees. Such decisions are within the discretion of the Tribunal. In cases such as this which are a statutory appeal simply because a party succeeds does not mean they will recover their costs. Often they will not. However in this case we are satisfied on the facts we have found that we should exercise our discretion and order the Respondent to reimburse the fees paid. Mr Howard engaged fully with the process and in our judgment has comprehensively demonstrated that he is a fit and proper person.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.