FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	**MAN/30UN/PHT/2025/0001**
Property	:	**Penwortham Park, Stricklands Lane, Penwortham, Preston PR1 9YD**
Applicant	:	**Wyldecrest Parks (Management) Ltd**
Respondents	:	**South Ribble Borrough Council**
Representative	:	**Mr Charalambides, counsel for the respondent**
Type of Application	:	**Caravan Sites and Control of Development Act 1960 section 9A(3) – appeal against site licence compliance notice**
Tribunal Members	:	**Judge R Anderson Mr N Swain, MRICS**
Date of Hearing	:	**12 January 2026**
Date of Decision	:	**26th May 2026**

DECISION

DECISION

The compliance notice dated 2 April 2025 is upheld with the Tribunal finding that the notice was valid, accordingly the Application is dismissed

REASONS

Background

1. The Property is a protected site within the meaning of the Caravan Sites and Control of Development Act 1960 (the 'Act') and the Mobile Homes Act 1983. The Respondent issued a licence pursuant to the Act on 28 October 2002 ("the Licence").

2. The Applicant issued a claim in this Tribunal under reference MAN/30UN/PHR/2002 to challenge the conditions of the Licence. The parties in that action were the same as in this action.

3. Those proceedings were resolved by way of a consent order at a hearing on 12 October 2023 ("The Consent Order"). The Consent Order was signed on behalf the Applicant by David Sunderland, Estates Director and on behalf of the Respondent by Christopher Ward, Manager for Licensing.

4. It is worth recording that Mr Sunderland appeared before this Tribunal for the Applicant and Mr Ward was the sole witness relied upon by the Respondent in these proceedings.

5. Thereafter followed correspondence between the parties which resulted in the Respondent issuing a compliance notice dated 2 April 2025 ("the Notice") which required the Applicant to address issues in respect of:
   - Roads, Gateway and Overhead Cables (condition 4 of The Licence);
   - Lighting (condition 6 of The Licence);
   - Maintenance of the Common Areas, including Grass, Vegetation and Trees (condition 7 of the the Licence)

6. The Applicant brings these proceedings under s9A of the Act.

The Inspection

7. The Tribunal inspected the site immediately prior to the hearing. The inspection was attended by the Tribunal panel, Mr Sunderland for the Applicant, Mr Charalambides Counsel for the Respondent and Mr Ward Environmental Health and Licensing Manager for the Respondent Council.

8. At the outset of the inspection, the Chair explained to the parties that the Tribunal panel itself would not take any measurements on site preferring to rely upon the evidence provided by the parties to be presented at the subsequent hearing. Either party was welcome however to direct the Tribunal to any relevant part of the site that they would like to draw attention to, but any submissions would be dealt with during the course of the hearing.

9. The Panel were able to view the whole site and as result better understand the issues raised by the compliance notice dated 2 April 2025.

Preliminary issue

10. At the outset of the hearing Mr Sunderland asked the Tribunal to bar the Respondent from participating in the proceedings on the basis that Respondent had not complied with paragraph 2 of the order of Legal Officer Higham dated 20 October 2025 which required the respondent to file "a full statement of the reasons for opposing the appeal including a response to any ground of appeal advanced by the Applicant." It was Applicant's position that this required that Respondent to file what could be described as a Statement of Case and it was common ground that this had not been done. The Respondent's position was that in compliance with this order it had filed the statement of Christopher Ward which complied with the direction.

11. The tribunal determined that the directions order dated 20 October 2025 was ambiguous as to whether a statement of case or a witness statement was required. Additionally, the Tribunal considered that the statement of Christopher Ward addressed the Applicant's statement of case sufficiently for both the Applicant and the Tribunal to understand the Respondent's position.

Evidence

12. The Applicant had chosen not to rely on evidence of fact but rather challenge the notice of the following basis:

   i. The defects set out in the notice were not present;
   ii. The conditions were not a breach of the license;
   iii. That the notice is defective;
   iv. That taking into account the DCLG guidelines the Respondent acted unreasonably when the Respondent reached the decision to issue the Notice, the validity of the Notice and whether the costs claimed are payable.
   v. The only evidence of fact at the hearing was the statement of Christopher Ward on behalf of the Respondent.

13. There was also an appeal against the costs claimed by the Respondent.

14. Although, the Respondent had served statements from Stephanie Newby, February Loughlin and Elizabeth Thornber but decided not to call those witnesses at the hearing and accordingly the Tribunal has not taken any their evidence into account in reaching it's decision.

15. Mr Ward was extensively cross examined by Mr Sunderland who quite properly put the Applicant's case to him. It appeared to the Tribunal that Mr Ward was diligent in his role and took his duties and the decision to issue the Notice with the appropriate level of seriousness, his specific responses are dealt with further below.

The Law

16. The relevant law is set out in the Caravan Sites and Control of Development Act 1960 ('the Act').

17. Section 9A of the Act provides as follows:

(1)If it appears to a local authority in England who have issued a site licence in respect of a relevant protected site in their area that the occupier of the land concerned is failing or has failed to comply with a condition for the time being attached to the site licence, the may serve a compliance notice on the occupier.

(2)A compliance notice is a notice which—

(a)sets out the condition in question and details of the failure to comply with it,
(b)requires the occupier of the land to take such steps as the local authority consider appropriate and as are specified in the notice in order to ensure that the condition is complied with,
(c)specifies the period within which those steps must be taken, and
(d)explains the right of appeal conferred by subsection (3).

(3)An occupier of land who has been served with a compliance notice may appeal to [the tribunal] against that notice (for further provision about appeals under this section, see section 9G).

18. The Tribunal derives its jurisdiction to allow an appeal by virtue of S.9G of the Act which states:

(1)An appeal under section 9A, 9E or 9F must be made before the end of the period of 21 days beginning with the date on which the relevant document was served (referred to in this section and section 9H as "the appeal period").

(2)In subsection (1), "relevant document" means—

(a)in the case of an appeal under section 9A, the compliance notice;
(b)in the case of an appeal under section 9E, the notice under subsection (8) of that section;
(c)in the case of an appeal under section 9F, the demand under that section.

(3) The tribunal may allow an appeal under section 9A, 9E or 9F to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

(4)An appeal under section 9A, 9E or 9F—

(a)is to be by way of a rehearing, but
(b)may be determined having regard to matters of which the local authority who made the decision were unaware.

(5)The tribunal may by order—
(a)on an appeal under section 9A, confirm, vary or quash the compliance notice;
(b)on an appeal under section 9E, confirm, vary or reverse the decision of the local authority;
(c)on an appeal under section 9F, confirm, vary or quash the demand.

19. Relevant guidance on the legislative provisions has been provided within the following cases:

Shelfside (Holdings) Ltd v Vale of White Horse DC [2016] UKUT 400 LC gave helpful guidance on the exercise of the FT Tribunal's powers of Appeal which is summarised in the case digest as follows:

Role of the First-tier Tribunal - Appeals from compliance notices were governed by s.9G of the 1960 Act.

An appeal was by way of a re-hearing. The tribunal was obliged to consider all the circumstances prevailing at the time of the hearing before it and to determine whether it was right and proper to issue the compliance notice in the light of those circumstances. The tribunal was required to put itself in the position of the local authority, as the primary decision maker, and having considered all material factors determine what decision it would have made.

The appropriate questions to address in the course of an appeal against a compliance notice issued under s.9A were whether (a) there had been a breach of licence conditions; (b) service of the compliance notice was justified; (c) if so, whether the remedial works required were reasonable and proportionate to the nature of the breach (paras 9-10, 31)".

Martin Rodger KC Deputy Chamber President in the second Upper Tribunal Decision of Shelfside (Holdings) Ltd v Vale of 5 *White Horse DC [2017] UKUT 259 explained that at (15):*

> *"Moreover, on an appeal to the FTT against a compliance notice, the question for the tribunal is whether the facts stated in the notice are made out. In reaching its own conclusion on that question the FTT will apply the civil standard of proof".*

Martin Rodger KC then went onto say at (18- 21; 25):

> *"The general rule in civil proceedings is that the party who asserts a fact must prove it. On an appeal to the FTT under section 9A of the 1960 Act against the service of a compliance notice the relevant facts are those asserted in the compliance notice itself, namely that the occupier of a protected site has failed to comply with a condition attached to the site licence for*

that site. Although section 9A(1) permits a local authority to serve a compliance notice "if it appears" to it that there has been a failure to comply with a condition, those words should not be taken to dilute the requirement of proof of non-compliance if there is a challenge to the notice. It is not then the appearance of non- compliance which must be proved, but non-compliance itself. An appeal under section 9A is said by section 9G(4)(a) "to be by way of a rehearing". That choice of language may appear slightly strange in this context, since there will not previously have been any process which could sensibly be referred to as a "hearing". Nevertheless, the intention is clear: on an appeal to the FTT against a compliance notice the FTT will not determine whether the local authority was entitled to conclude on the evidence available to it that there had been a failure to comply with a condition of a site licence, but will decide for itself whether there was or was not such a failure. When it does so, the FTT may have regard to matters of which the local authority was unaware (section 9G(4)(b)). In its grounds of appeal the appellant asserts that the 1960 Act contains no provision that has the effect of requiring it to prove compliance with the site licence. I agree. The flaw in the appellant's argument is that overlooks the fact that a point is often reached in proceedings where the evidence relied on by the party which has the burden of proof is sufficient to discharge that burden and will do so unless evidence is provided to counter it".

Determination

20. The Tribunal directed itself that it should make it's decision with reference to the five issues set out in the Applicant's statement of case:

    i. The defects set out in the notice were not present;
    ii. The conditions were not a breach of the license;
    iii. That the notice is defective;
    iv. That taking into account the DCLG guidelines the Respondent acted unreasonably in deciding to issue the Notice, the validity of the Notice;
    v. There is an additional appeal pursuant to s9C of the Act to challenging the recoverability and quantum of the £1088.83 of the costs requested by the Respondent within the notice.

Were the Defects Present?

21. The Notice identified defects in respect of roads, gateways and overhead cables, lighting and maintenance of the common areas. Clearly this is a factual issue and the Applicant chose not call any evidence of fact but simply chose to challenge the factual assertions made by Mr Ward and to an extent rely on the inspection.

22. The inspection was of course of limited value as the Tribunal were only able assess the condition of the site on that day as opposed to the day when the Notice was served. Mr Ward gave clear and coherent evidence of each of the defects not only as observed by him but also of the numerous complaints in respect of the defects that he received from residents. Further those defects are clearly articulated in the pre-notice correspondence and documented in the photographs exhibited to Mr Ward's statement.

23. Accordingly, the Tribunal found that the defects set out in the Notice were accurate at the time of the Notice.

Were the alleged defects a breach of the Licence conditions?

24. The Tribunal considered this in relation to each of the 3 relevant conditions.

25. Condition 4 of the Licence required that:

"New roads shall be constructed and laid of suitable bitumen macadam or concrete with a suitable compacted base.

All roads shall have adequate surface water/storm drainage.

Roads shall be maintained in good condition"

26. The Tribunal were satisfied that evidence within Mr Ward's statement clearly demonstrated at the very least that the roads had not been maintained in good condition and did not have adequate drainage. This was also apparent from the inspection. Accordingly, the Tribunal were satisfied that this condition was breached.

27. Condition 6 of the Licence states:

"Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness. As a minimum lighting will be maintained and retained in the positions shown as marked on the @lighting plan dated 02.10.2023. (drawing no PRP021023)"

28. The lighting plan required that two additional lights were installed. It was clear from the Notice and the evidence of Mr Ward that one of those lights was not installed. Accordingly, the Tribunal were satisfied that the Applicant was in breach of the relevant condition of the License.

29. Condition 7 of the Licence states:

"Every part of the site to which the public have access shall be kept in a clean and tidy condition, every road communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish. Grass and vegetation shall be cut and removed at frequent and regular intervals."

30. The evidence of Mr Ward supported the assertion within the Notice that there was there was a build up of silt and dirt and the vegetation was not routinely and consistently cleared.

31. Taking all of the above in to account the Tribunal were satisfied that the defects set out in the Notice did amount to a breach of the Licence Conditions.

Is the Notice defective?

32. It would appear that the allegation in respect of the defective notice is twofold, firstly there are a number of items where the Applicant sought to draw the distinction between a requirement for maintenance and a requirement for improvements. The implication appearing to be that the Respondent is not entitled to issue a notice in respect of improvements. Secondly that the Notice is not precise enough to allow the Applicant to know what remedial action to take.

33. In respect of the first limb in respect of improvement as opposed to maintenance, the Tribunal found that this was misconceived. The Respondent's power to issue the Notice stemmed from a breach of license conditions. Those license conditions were agreed by consent and there was no statute or case law which the Tribunal was taken to which showed that license conditions could not require improvements. Indeed it would appear to be contrary to the entire enforcement regime if a local authority were not able to require improvements.

34. In respect of the lack of specificality, this seemed to centre on the location of the disrepair of the road and that in particularly rather than outline every defect the Respondent within the notice referred to previous correspondence which specified the relevant defects in the road. It was argued on behalf of the Applicant that this is not sufficient as the notice itself should as a standalone document be capable of identifying each individual defect. Again, the Applicant was not able to point to any statute or case law to support this proposition and the Applicant chose not to call any evidence as any misunderstanding or lack of clarity. Nor, was it alleged by the Applicant that the correspondence referred to within the notice had not been received and indeed there was correspondence from Mr Sunderland within the bundle which acknowledged receipt of the correspondence. Whilst, the Tribunal acknowledge that a more elegant drafting approach may led to the specific defects being referred to within the Notice, the Tribunal could not find that reference to the defects by way of referring to further documents which were within the Applicant's possession rendered the Notice defective.

Did the Respondent act unreasonably by reference to the DCLG Guidelines?

35. The relevant guidelines are The Mobile Home Act 2013: a best practice guide for local authorities on enforcement of the new site licensing regime. Chapter 3 contains the guidance on enforcement which can usefully distilled into the following point:

- Local authorities should not rush to enforcement and actions and demands should be reasonable and proportionate;
- The interests of homeowners as well as operators should be considered;
- A local authority should be slow to enforce where only one homeowner is impacted;
- Enforcement should be focused on poorly managed, badly run sites;
- Local authorities should follow the Regulator's code and the Hampton Principes;
- Local authorities should look to work with operators and where possible attempt informal methods to resolve issues before serving notices;
- Enforcement must be based on breaches of legislation or site conditions;
- Local authorities cannot impose or enforce conditions relating to the condition of individual units.

36. In cross examination and submissions the Applicant also referred to the Model Standards 2008 for Caravan Sites in England 2008 the annex to which provides advice to local authorities on the application and enforcement of those model standards. There are three paragraphs within the annex which refer to enforcement which can be summarized as follows:

- Any decision to enforce a license condition should be taken in line with the Compliance Code;
- Local authorities should allow a reasonable period of time after a licence alteration for compliance;
- When considering taking enforcement action the local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution

37. It is fair criticism to say that the statement of Mr Ward was light on the detail of the process by which the Respondent decided to serve the Notice. However, in cross examination he extensively explained the process of meetings with the Respondent's in house legal team which led to serving of the notice and the consideration given to the factors outlined above, for example that the Applicant had already written to the Applicant in respect of the defects.

38. Mr Sunderland appeared to place great weight on the fact that no risk assessment had been disclosed by the Respondent but the Tribunal were not persuaded that this was a "knock out blow" for a number of reasons. Firstly, the Model Standards 2008 do not specify a written risk assessment, secondly the conversations which Mr Ward described clearly amounted to a risk assessment and thirdly the requirement of a risk assessment is in respect of a prosecution rather than the service of a notice.

39. Taking the above into account the Tribunal found that the Respondent’s decision to serve the notice was a reasonable in light of the relevant guidance.

The Applicants appeal under s9C of the Act in respect of the recoverability and quantum of the £1088.83 costs requested by the Respondent within the notice.

40. The Applicant’s first position was that if the notice was set aside the costs should also be disallowed. Given the findings set out above, that argument has fallen away.

41. The applicant’s secondary position was that the 3 hours legal time and 5.5 hours office time to draft a notice is excessive, the hourly rate for legal fees was excessive and that the Applicant had not incurred legal costs as they had utilized an in-house solicitor.

42. S9C of the Act allows the Respondent to impose a charge on the Applicant for both the expenses incurred by them in both deciding whether to serve a notice and serving a notice. Given the seriousness of the decision to serve a notice it is perfectly proper that a reasonable amount of officer and legal time is spent weighing that decision and then a further amount of time is allowed for the actual drafting of the notice which contains significant detail. In those circumstances the Tribunal considered the time spent to be reasonable. For completeness sake, the Tribunal considers that hourly rates charged by the Respondent are also reasonable given the subject matter and it is a longstanding rule of costs recovery that where a litigant uses an in house lawyer they are entitled to recover those costs as if they had instructed an external firm.

Summary

43. For the reasons set out above the application is dismissed.

Judge R Anderson
2026

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 should be made on Form RP PTA available at: https://www.gov.uk/government/publications/form-rp-pta-application-for- permission-to-appeal-a-decision-to-the-upper-tribunal-lands-chamber

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).