

FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	HAV/45UC/PFA/2026/0001 HAV/45UC/PFA/2026/0002 HAV/45UC/PFA/2026/0003 HAV/45UC/PFA/2026/0004 HAV/45UC/PFA/2026/0005
Property	:	(1) Aldingbourne Park, Hook Lane, Aldingbourne, Chichester, West Sussex, PO20 3YR (2) Orchard Park, Worthing Road, Rustington, Littlehampton, West Sussex, BN16 3PS (3) Beechfield Park, Hook Lane, Aldingbourne, Chichester, West Sussex, PO20 3XX (4) The Marigolds, Shripney Road, Bognor Regis, West Sussex, PO22 9PB (5) The Willows Park, Ford Road, Ford, Arundel, West Sussex, BN18 0BU
Applicant	:	(1) Aldingbourne Park Management Ltd (2) Rustington Management Ltd (3) The Beaches Management Ltd (4) Marigolds Management Ltd (5) The Willows General Management Ltd
Representative	:	LSL Solicitors
Respondent	:	Arun District Council
Representative	:	
Type of Application	:	**Appeals relating to inclusion in a local authority register of fit and proper persons to manage a mobile home site**

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Tribunal Member(s)	**:**	Tribunal Judge C Skinner Regional Judge Whitney Mr P Smith MRICS
Date of Hearing	**:**	14-15 September 2026
Date of Decision	**:**	23 October 2026

DECISION

Summary of Decision

1. **The Tribunal is satisfied on its findings that the decision of the Council to refuse the Applicant's application to register Mr Sunderland as a Fit and Proper Person on the basis the Applicants did not provide sufficient information of his role in day to day management and does not have a sufficient level of competence to manage the site was wrong when considering the requirements under Schedule 3 of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.**

2. **The Tribunal is satisfied on its findings that the decision of the Council to refuse the Applicant's application to register Mr Sunderland as a Fit and Proper Person on the basis the Applicants cannot demonstrate they can secure proper funding for the site were not wrong when considering the requirements under Schedule 3 of The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.**

3. **The Tribunal therefore dismisses the appeals of the Applicants.**

Background

1. These proceedings comprise five linked appeals concerning applications made under the *Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020* ("the 2020 Regulations"). Each Applicant is the occupier and site licence holder of a residential mobile home site within the Respondent's region.

2. The Respondent is the local authority responsible for the operation of the fit and proper person regime in respect of the sites. Under the 2020 Regulations, an occupier of a relevant protected site may not cause or permit the site to be managed by a person unless the relevant statutory requirements are met, which include the requirement for the appropriate person to be included in the local authority's register. The Respondent therefore has an interest in these proceedings as the authority which considered and determined the Applicants' applications.

3. On 15 March 2024, each of the Applicants applied to the Council for inclusion of a person on its register of fit and proper persons. In the course of the application process the identity of the person relied upon changed. Ultimately, the Applicants relied upon David Sunderland, the

Estates Director for Wyldecrest Parks, as the person whose suitability was to satisfy the requirements of the statutory regime.

4. The Respondent was not satisfied that the applications met the requirements of the 2020 Regulations. In particular, its concerns related to the role of the proposed person in the day-to-day management of the sites, whether sufficient evidence had been provided of his competence to manage them, the management arrangements involving a wider group of companies, and the adequacy of the financial arrangements for the management of the sites. Preliminary refusal notices were issued in December 2025 and final refusal notices followed on 30 January 2026.

5. The Applicants challenge those decisions. Their appeals were lodged on 2 February 2026 and have been dealt with together because they concern the same proposed fit and proper person, substantially common management arrangements and evidence, and decisions by the Respondent made on materially the same grounds.

6. The matter before the Tribunal therefore concerns whether the Respondent's decisions to refuse the applications were wrong and, in particular, whether the statutory requirements for the proposed registration are satisfied on the evidence before the Tribunal.

The Application and the 2022 Tribunal Decision

7. The present applications are not the first applications made by the Applicants under the 2020 Regulations. Following the introduction of the fit and proper person regime, applications were made in 2021 in respect of each of the five sites. Those applications were refused by the Respondent and the Applicants appealed to the First-tier Tribunal. The appeals were heard together and dismissed by a decision of the Tribunal in 2022 ("the 2022 Decision").

8. The 2022 Decision concerned the same five site licence-holding companies and the same sites as the present proceedings. It therefore forms part of the relevant history against which the present applications were made, although the applications now before the Tribunal are fresh applications supported by evidence which must be considered on its own merits.

9. An important aspect of the 2022 Decision was the Tribunal's approach to an appeal under the 2020 Regulations. The Tribunal held that the appeal is a rehearing rather than a conventional review of the Respondent's decision. The Tribunal must consider the evidence before it and determine the matter for itself, whilst paying careful attention to the reasons given by the Respondent. The burden rests upon the Applicant to establish, on the balance of probabilities, that the Respondent's decision was wrong.

10. There were significant evidential deficiencies in the applications considered in 2022. The Tribunal found that the directors of the Applicant companies had neither provided witness statements nor given evidence at the hearing. The declarations on the applications had not been signed by the directors. The Applicants principally relied upon evidence from David Sunderland, although the Tribunal found that he was neither a director nor employee of the Applicant companies and was not involved in the day-to-day management of the individual sites. Although questionnaires had been provided concerning five individuals said to have day-to-day management responsibilities, those individuals had neither provided witness statements nor attended to give evidence.

11. The Tribunal also found non-compliance with the informational requirements of the 2020 Regulations. Of particular relevance to the issues which have arisen again in the present proceedings, it found that the Applicants had provided no proper information about the management structures or funding arrangements for the respective sites and had not supplied evidence establishing their legal or equitable interests in them. Those deficiencies had previously been raised with the Applicants by the Respondent, including in a request for further information dated 26 August 2021 and in preliminary decisions dated 14 September 2021.

12. More generally, the Tribunal considered the relationship between the individual Applicant companies and the wider Wyldecrest group. On the evidence then before it, it described the Applicants as "straw companies", finding that they had no employees or assets and that there was no evidence of the day-to-day involvement of their directors in the operation of the sites, of income received from their operations, or of agreements with third parties for the provision of services. The evidence before that Tribunal indicated instead that the sites were in practice managed and operated by the wider Wyldecrest group. The Tribunal concluded that the arrangements presented to it, were not compatible with the fit and proper person regime established by the 2020 Regulations.

13. The 2022 Decision should, however, be understood in the context of the evidence then before the Tribunal. Its conclusions included that the Applicants had failed to discharge the evidential burden of showing that the Respondent's decisions were wrong; that there had been non-compliance with the 2020 Regulations; and that the Respondent had acted in accordance with its policy and the Regulations in refusing the applications.

14. Following the 2022 Decision, further applications were made but were unsuccessful. The applications with which the present appeals are concerned are described in the Applicants' case as a further attempt to address the deficiencies identified in the previous refusals and proceedings.

15. The applications were made on 15 March 2024. Each application was completed by David Sunderland as agent. Unlike the applications considered in 2022, the declarations in the present applications were completed in the name of Christopher Ball, in the capacity of director of the named Applicants. The applications stated that each Applicant was the occupier of its respective site and referred to supporting appendices dealing with the Applicant's interest in the site, experience and competence, the management structure and funding arrangements.

16. There was a period of delay before the substantive determination of the applications. The Respondent initially treated them as invalid because it had been unable to identify payment of the requisite application fees and they were rejected on that basis on 28 March 2025. The Applicants subsequently supplied payment information and the payments were traced. The evidence within the bundle includes records of individual payments of £748 made in March 2024. Once the position had been reconciled, the Respondent proceeded to consider the applications. Further information was sought in August 2025 and additional material was supplied by the Applicants in October 2025.

17. In the course of that process, David Sunderland came to be relied upon as the proposed fit and proper person. The material supplied in support of the applications described him as Estates Director for Wyldecrest Parks and referred to his experience within the mobile homes industry and his responsibilities within the wider group's legal, compliance, licensing and planning functions.

18. The significance of the 2022 Decision to the present proceedings is therefore principally twofold. First, it identifies the approach to be adopted on an appeal of this nature and the evidential burden borne by the Applicants. Secondly, it identifies deficiencies which existed in the evidence and arrangements placed before the Tribunal in 2022, in particular as to the identification of those actually responsible for management, the relationship between the site licence-holding companies and the wider group, the evidence of relevant competence, and the existence and operation of adequate funding arrangements.

19. Those earlier findings provide relevant context, but do not relieve the Tribunal of the need to consider the present applications and the evidence now before it. The question for this Tribunal is not whether the Applicants satisfied the statutory requirements in 2022, which has already been determined, but whether on the evidence relating to the present applications the requirements of the 2020 Regulations are now met and the Respondent’s decisions under appeal have been shown to be wrong. That necessarily involves considering whether, and to what extent, the deficiencies identified in the 2022 Decision have been addressed by the different and additional material now relied upon.

20. The Tribunal was provided a determination bundle consisting of 1282 pages. In addition, a supplemental 10 page witness statement from David Sunderland that had been omitted from the bundle was

provided. Both parties submitted skeleton arguments in advance of the hearing. References in this decision to page numbers in the bundle are indicated as [ ].

21. The lack of mention of any particular document or submission should not be regarded as indicating that it has not been taken into account. The Tribunal has focused on the key issues identified that require determination. In writing this decision the Chairman has had regard to the Senior President of Tribunals Practice Direction – Reasons for Decisions, dated 4 June 2024.

22. The final hearing took place at the Havant Justice Centre across 2 days from 14 September 2026 to 15 September 2026. The Applicant was represented by Mr Stemp of Counsel and the Respondent was represented by Mr Rees Phillips of Counsel. Also in attendance were Mr Sunderland giving evidence as the Applicants proposed fit and proper person and the Applicants instructing solicitor Mr Payne. Mr Williamson, an Environmental Health and Licencing Manager attended to give evidence on behalf of the Respondent.

The Law

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

23. Regulation 7.

(1) In making a fit and proper person assessment in relation to land that is used, or is proposed to be used, as a relevant protected site, a local authority—

(a) must have regard to the matters specified in paragraphs 2 to 4 of Schedule 3;

(b) may have regard to the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) if it appears to the authority that that person's conduct is relevant to the question of whether the relevant person is a fit and proper person to manage the relevant protected site or proposed relevant protected site (as the case may be); and

(c) may have regard to any evidence as to any other relevant matters.

24. Schedule 3 to the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

Schedule 3 paragraph 2, - "Ability to secure the proper management of the site" *provides:*

"2.— (1) Whether the relevant person is able to secure the proper management of the site.

(2) For the purposes of sub-paragraph (1)—

(a) 'proper management of the site' includes, but is not limited to, securing—

(i) compliance with the site licence; and

(ii) the long-term maintenance of the site; and

(b) in considering whether the relevant person is, or would be, able to secure the proper management of the site, the local authority must (among other things) have regard to—

(i) whether the relevant person has a sufficient level of competence to manage the site; and

(ii) the management structure and funding arrangements for the site or proposed management structure and funding arrangements."

25. When applying the above regulations, it is also necessary to consider them in the context of the non-statutory Government Guidance [1205] and the Respondent's own Policy [1246] on how it will approach decisions made under these regulations.

The Evidence

26. As a preliminary issue at the hearing, the Respondent made a case management application seeking permission for Mr Williamson to adopt the witness evidence previously provided by Wendy Rollings, who was no longer available to give evidence herself. Having considered the parties' submissions, the Tribunal granted that application.

27. In reaching that decision, the Tribunal had regard to Rule 3 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. In particular, the Tribunal recognised its overriding objective of dealing with cases fairly and justly. That includes ensuring, so far as practicable, that the parties are able to participate fully in proceedings, avoiding unnecessary formality, seeking flexibility in the conduct of proceedings, avoiding delay, and ensuring that the parties are on an

equal footing whilst dealing with cases in ways which are proportionate to the importance, complexity and anticipated costs of the dispute.

28. The Tribunal did not consider that permitting the evidence to be adopted would cause any material prejudice to the Applicants. The witness evidence of Wendy Rollings had been disclosed in advance of the hearing and its contents were therefore well known to all parties. The application did not seek to introduce wholly new evidence at a late stage, but rather to allow evidence already before the Tribunal to be adopted and relied upon by a witness who was said to be able to address the matters in issue. The Tribunal was satisfied that the Applicants remained able to challenge the weight and reliability of that evidence and to test, through cross-examination of Mr Williamson; Wendy Rollins line manager, the extent to which he could properly speak to the matters addressed within the statement.

29. The Tribunal also considered that refusing the application would be likely to result in an unnecessarily restrictive approach to the evidence and could deprive the Tribunal of potentially relevant material without any corresponding benefit to the fairness of the proceedings. The Tribunal was satisfied that the appropriate course was to admit the evidence and determine, as a matter of weight, the extent to which reliance could properly be placed upon it in light of the circumstances in which it was adopted.

30. Balancing all relevant considerations, the Tribunal concluded that granting permission was consistent with the overriding objective. It enabled the issues between the parties to be determined on the fullest evidential basis reasonably available, avoided unnecessary procedural formality, caused no unfair prejudice to the Applicants, and represented a proportionate course in the circumstances of the case. The Tribunal therefore granted permission for Mr Williamson to adopt the evidence of Wendy Rollings, reserving for the final decision the question of what weight, if any, should ultimately be attached to that evidence.

31. The Tribunal heard oral evidence on behalf of both parties. The evidence was directed principally towards the three matters identified by the Respondent as justifying refusal of the applications, namely: (i) whether the proposed management arrangements were sufficient to secure the proper management of the sites; (ii) whether Mr Sunderland was competent to fulfil the relevant role; and (iii) whether he was able to secure proper funding arrangements. The Tribunal also had regard to the written witness evidence contained within the hearing bundle together with the documentary material contained within it.

32. The Tribunal first heard evidence from Mr Sunderland. The Tribunal received both his written and oral evidence. His evidence addressed the proposed management arrangements for the five sites, the structure through which management functions would be delivered, his role within that structure, and the resources available through UK Property

Limited. He was taken to the organisational structure chart contained within the bundle and explained the reporting lines, allocation of responsibilities and operational arrangements relied upon by the Applicants. He also gave evidence concerning resident communications, maintenance arrangements, complaint handling procedures and the means by which management functions were carried out across multiple sites.

33. In relation to competence, Mr Sunderland gave evidence concerning his experience within the sector, his involvement in the management of multiple park home sites and his understanding of the regulatory responsibilities associated with site management. He explained how management functions were delegated within the wider organisational structure whilst maintaining overall accountability for the operation of the sites. In that regard he stated that, although various functions were undertaken by others, he regarded himself as the person with ultimate responsibility and described his position as one where "the buck stops" with him. He also explained that enforcement decisions relating to the sites would be undertaken by others within the management structure in order to avoid potential conflicts of interest.

34. A substantial part of Mr Sunderland's evidence also addressed the financial arrangements relevant to the applications. He gave evidence concerning the historical operation of the sites, his understanding of expenditure approval processes, the resources available through UK Property Limited and the arrangements by which maintenance and other site costs could be funded. He was questioned extensively regarding the Managing Agent Agreement, the current financial arrangements operating between the parties, the extent of his authority to incur expenditure and his knowledge of the financial position of the Applicant companies. He accepted that he was neither a director nor officer of the Applicant companies, that he was not a director of UK Property Limited, that he had no involvement in the preparation of the Applicants' accounts and that he did not have direct access to those accounts.

35. On behalf of the Respondent, the Tribunal heard evidence from Mr Williamson essentially adopting the witness evidence of Wendy Rollings. His evidence described the Respondent's consideration of the applications, the reasons underlying the refusal decisions and the concerns identified by the Respondent in relation to management arrangements, competence and funding arrangements. He explained the basis upon which the Respondent considered that the statutory requirements had not been demonstrated and addressed the Respondent's interpretation of the Regulations, the statutory schedules, the Government's non-statutory guidance and the Respondent's adopted policy. His evidence was directed primarily towards explaining why the Respondent considered that the information provided within the applications and supporting documentation was insufficient to satisfy the relevant statutory tests.

36. Under cross examination Mr Williamson was challenged over the reliance the Respondent had placed upon alleged complaints about Mr Sunderland's conduct and that of the wider Wyldecrest Group on other sites. It was put to Mr Williamson that the Respondent had been selective over how it had presented email chains and evidence gathered around such conduct. It was suggested the Respondent had not fairly assessed and evaluated the credibility or substance of those complaints and that on any fair reflection, those complaints should not have been held against Mr Sunderland.

Decision

37. The Tribunal reminds itself that this appeal is to be determined by way of a full rehearing on the evidence before the Tribunal at the date of the hearing. It is not confined to a review of the decision-making process adopted by the Respondent, nor to the material that was before the Respondent when it reached its decision. The Tribunal must therefore reach its own conclusion on the statutory question arising in the appeal, applying the relevant statutory provisions to the evidence presented before it.

38. In doing so, however, the Tribunal adopts the approach identified by the Court of Appeal in *R (Hope and Glory Public House Ltd) v Westminster City Council* [2011] EWCA Civ 31. Although the appeal is a rehearing, Parliament has entrusted the primary regulatory decision-making function to the Respondent. Accordingly, the Tribunal must give careful attention to the reasons advanced by the Respondent for the decision under challenge. The weight to be attached to those reasons will depend upon matters including the clarity and cogency of the authority's reasoning, the nature of the issues in dispute, and the evidence available to support its conclusions.

39. The Tribunal must also bear firmly in mind that the correct question is not whether the Respondent has demonstrated that its decision was right. Following *Hope and Glory*, the Tribunal should not interfere merely because it is left uncertain whether the Respondent reached the correct conclusion. Rather, the Applicant bears the burden of satisfying the Tribunal, on the balance of probabilities, that the Respondent's decision was wrong. Unless the Tribunal is positively persuaded that the statutory requirements are met and that the Respondent's refusal cannot properly be sustained, the appeal should not succeed.

40. The Tribunal therefore approaches the appeal by standing in the shoes of the Respondent and determining for itself whether the relevant statutory test is satisfied, while at the same time according appropriate respect to the Respondent's expertise, local knowledge and reasoning. The ultimate question is whether, on all the evidence now before the Tribunal, the Applicants have discharged the burden of establishing that the decision under appeal was wrong and that the statutory criteria are affirmatively met.

41. The Respondent refused the applications on three principal grounds. First, it was not satisfied that the proposed management arrangements were sufficient to secure the proper management of the sites. Secondly, it was not satisfied that Mr Sunderland was competent to undertake the role identified within the applications and, in particular, to secure the proper management of the sites. Thirdly, it was not satisfied that Mr Sunderland was able to secure proper funding arrangements for the sites.

42. The Tribunal has therefore considered each of those issues separately, applying the statutory framework, the non-statutory guidance, the Respondent's adopted policy and the evidence presented at the hearing to determine whether the Applicants have demonstrated that the Respondent's decision on each ground was wrong. Applying the approach in *Hope and Glory*, the burden rests upon the Applicants to satisfy the Tribunal, on the balance of probabilities, that the Respondent was wrong to refuse the applications on each of the grounds relied upon.

Proper Management of the Site

43. The first ground of challenge concerns whether the Applicants have demonstrated that arrangements exist which are capable of securing the proper management of the sites. In determining that issue, the Tribunal has considered the requirements of Schedule 3 and the matters identified within the non-statutory guidance, including the adequacy of the proposed management structure, the availability of management personnel, maintenance arrangements, complaint handling procedures, financial and operational resources, and the ability of the proposed manager to ensure effective day-to-day oversight. The Tribunal has also taken account of the relevant provisions of the Respondent's policy.

44. Having considered all of the evidence, the Tribunal is satisfied that the Applicants have established an appropriate and effective management structure. The Tribunal places weight upon the evidence of Mr Sunderland, both written and oral. His written evidence included a management structure chart identifying the entities and individuals involved in the management of the sites, the reporting mechanisms between them, and the resources available to support management functions. The evidence demonstrated that management responsibilities are not dependent solely upon one individual but are supported by wider organisational resources available through UK Property Limited.

45. The Tribunal accepts the evidence that UK Property Limited possesses sufficient administrative and operational resources which are available to support management of the sites. Those resources include

arrangements for maintenance, customer contact and communication with residents, together with systems capable of managing multiple sites simultaneously. The Tribunal is satisfied that these resources provide an appropriate framework for dealing with routine management matters and ensuring that issues arising at the sites should be capable of being addressed in a timely and effective manner.

46. Particular reliance was placed by the Respondent upon concerns regarding accountability and accessibility within the proposed management structure. The Tribunal does not consider those concerns to be borne out by the evidence before it. In his evidence, Mr Sunderland confirmed that, whilst various management functions may be delegated within the wider structure, he regarded himself as the individual with ultimate responsibility for the operation of the sites, describing his role as one where "the buck stops" with him. The Tribunal found that evidence demonstrated an understanding of, and willingness to accept, ultimate responsibility for ensuring that management standards are maintained for the sites.

47. The Tribunal also accepts Mr Sunderland's evidence that decisions concerning enforcement action on these five sites would be undertaken by others within the management structure rather than by him personally, specifically to avoid potential conflicts of interest. The Tribunal considers that arrangement to be a sensible and necessary safeguard to be adopted. In the Tribunal's judgment, the existence of an independent decision-making route for enforcement matters will be crucial for confidence in the management structure and for the role of fit and proper person.

48. The Tribunal has also considered whether there is any basis for concluding that residents would face difficulties identifying or contacting the appropriate management personnel. Having reviewed the evidence as a whole, the Tribunal is unable to agree with the criticisms advanced on that point. The evidence demonstrates the existence of clear channels of communication and established mechanisms through which residents may raise concerns and obtain responses. The Tribunal finds no evidential foundation for concluding that the proposed arrangements suffer from any material deficiency in terms of approachability or accessibility.

49. The Tribunal heard evidence of the individuals who would be on site to deal with issues of customer contact and maintenance and evidence around how residents could contact Uk Property Limited to engage in communications. On the evidence provided, the Tribunal does not agree that the Respondent could sustain concerns about the approachability of Mr Sunderland.

50. Standing back and considering the evidence in the round, the Tribunal is satisfied that the Applicants have demonstrated compliance with the matters identified within the non-statutory guidance and within the Respondent's policy insofar as they relate to the management structure

and the securing of proper management of the sites. The Tribunal therefore concludes that the Respondent's concerns regarding the adequacy of the proposed management arrangements are not made out on the evidence before the Tribunal and the decision was wrong. To that extent, this aspect of the challenge succeeds and the Tribunal is satisfied that the proposed arrangements are capable of securing the proper management of the sites.

Competence of Mr Sunderland

51. The second ground relied upon by the Respondent concerns whether Mr Sunderland possesses the necessary competence to fulfil the role identified within the applications. The Tribunal has considered this issue by reference to the statutory test contained within the Mobile Homes legislation, the requirements of Schedule 2 and Schedule 3, the non-statutory guidance issued in support of the regulations, the relevant provisions of the Respondent's policy and the evidence presented during the hearing.

52. The Tribunal considers that an important feature of the Respondent's challenge was its underlying proposition that the individual identified as site manager must be physically present on the site or undertake the day-to-day operational management functions personally. The Tribunal does not accept that proposition. Neither the Regulations, the non-statutory guidance nor the Respondents own policy imposes such a requirement.

53. The statutory question is not whether the proposed manager is the person undertaking every day-to-day management function on the ground. Rather, the question identified by the Regulations is whether the proposed manager is "competent to secure the proper management of the site". The language of the statutory test is significant. It focuses upon the ability to ensure that appropriate management arrangements are in place and operate effectively, rather than requiring the individual personally to perform every management task. The Tribunal therefore rejects the Respondent's submission insofar as it seeks to equate competence with physical day-to-day presence on the site.

54. The Tribunal has also considered the Respondent's submissions concerning Schedule 2 paragraph 10 and the requirement to identify the site manager. The Tribunal is not persuaded that paragraph 10 requires the nominated individual to be the person physically undertaking the daily operational activities at the site. In the Tribunal's judgment, paragraph 10 is directed towards identifying the person responsible within the management structure and providing transparency regarding who has responsibility for management arrangements. Nothing within its wording requires that individual to be permanently based on site or personally responsible for each day-to-day management function. Indeed, such an interpretation would be difficult to reconcile with the legislative recognition that management

functions can properly be delegated and delivered through wider management structures.

55. The Tribunal finds support for that conclusion in the non-statutory guidance. The guidance directs decision-makers to consider matters such as the proposed manager's availability, the arrangements for dealing with complaints, maintenance procedures, authority to make decisions, accountability, financial authority and access to sufficient resources. Those considerations are focused upon whether effective management arrangements exist and whether the proposed manager can ensure those arrangements are delivered. The guidance does not state that competence requires continuous on-site presence or that the proposed manager must personally undertake routine day-to-day tasks. Rather, it recognises that proper management may be achieved through appropriate structures, delegation and access to suitable resources.

56. Against that legal framework, the Tribunal turns to the evidence. The Tribunal found Mr Sunderland's evidence concerning his experience to be clear and detailed. He provided evidence of substantial experience in the management of multiple park home sites and explained the systems and structures through which those sites are operated. His evidence demonstrated familiarity with the regulatory obligations applicable to site operators, the management issues commonly arising on residential parks, and the practical mechanisms through which compliance is maintained.

57. The Tribunal also places weight upon the evidence concerning the resources available through UK Property Limited. As discussed under the first ground of challenge, the evidence demonstrated the existence of maintenance arrangements, resident contact systems, administrative support and wider management resources capable of supporting the operation of multiple sites. The Tribunal considers those resources to be relevant to the assessment of competence because the statutory question is whether the proposed manager can secure proper management, not whether they personally perform every management function. The existence of a supporting structure is therefore a factor supporting, rather than detracting from, a finding of competence.

58. As referred to above, Mr Sunderland's evidence concerning accountability within the management structure was that whilst operational responsibilities may be delegated, ultimate responsibility remained with him. This demonstrates both an understanding of the responsibilities associated with the role and a willingness to assume ultimate responsibility for management outcomes. The Tribunal considers that evidence to be indicative of competence rather than an absence of it.

59. The Tribunal further notes that the evidence established that decisions concerning enforcement matters on these sites would be taken through alternative routes within the management structure so as to avoid conflicts of interest. Again as indicated above that approach must be

adopted as it reflects a proper appreciation of governance issues and an appropriate division of responsibilities within a larger management framework.

60. Having considered all of the evidence, the Tribunal is satisfied that Mr Sunderland possesses the relevant experience, has access to appropriate operational resources, understands the responsibilities of the role, and has demonstrated the ability to oversee and secure effective management arrangements. The Tribunal finds that the Respondent's criticism proceeds from an erroneous premise, namely that the legislation requires the nominated manager to act as the day-to-day on-site operative or manager. The Tribunal finds no such requirement within the Regulations, the non-statutory guidance or the Respondent's policy.

61. The Tribunal is satisfied, on the balance of probabilities, that Mr Sunderland is competent to secure the proper management of the sites. The Tribunal therefore concludes that the Respondent's second reason for refusal is not made out, was wrong and that the statutory requirement relating to competence has been established.

Proper Funding Arrangements

62. The third ground of challenge concerns whether the Applicants have demonstrated that Mr Sunderland is able to secure proper funding arrangements for the sites. The Tribunal considers this issue to be distinct from the questions of management structure and competence. A person may be experienced, possess an appropriate management structure and be capable of securing proper management generally, whilst nevertheless lacking the authority, access or control necessary to secure proper funding arrangements. The Tribunal therefore considers this issue separately and by reference to the specific statutory requirement.

63. The Tribunal notes that the relevant statutory test directs attention not simply to the existence of funding, but to whether the proposed manager is able to "secure proper funding arrangements". The non-statutory guidance likewise identifies financial authority, budgetary arrangements and the availability of sufficient funding as matters relevant to the assessment. As the Tribunal has already observed, the burden of proof rests upon the Applicants. Applying the approach in *Hope and Glory*, it is not sufficient for the Tribunal merely to conclude that the Respondent's concerns may have been overstated. The Applicants must positively satisfy the Tribunal, on the balance of probabilities, that the statutory requirement is met.

64. The Tribunal also considers the concerns and reasons set out in the 2022 Decision and in light of the deficiencies identified within that decision over the funding arrangements, whether the evidence now before the Tribunal has satisfied those original deficiencies identified.

65. The Tribunal accepts the Respondent's submission that careful attention must be paid to the actual relationship between Mr Sunderland and the Applicant companies. The evidence establishes that Mr Sunderland is not a director of any of the Applicant companies. He is not an employee or officer of the Applicants. Equally, he confirmed in evidence that he is not a director of UK Property Limited. On his own evidence, his role is most accurately characterised as that of an agent acting through the wider management arrangements. Mr Sunderland expressly stated the Applicant companies are not a part of the wider Wyldecrest Group. Separate arrangements exist and his evidence was that he was not a party to the discussions leading to the current management arrangements.

66. The Tribunal considers those facts to be highly relevant because the issue is not whether the Applicants themselves possess funding, nor whether the sites have historically operated successfully, but whether Mr Sunderland possesses the ability to secure proper funding arrangements for the sites going forward.

67. The Tribunal has carefully examined the evidence relied upon by the Applicants to demonstrate that requirement. In practice, that evidence consisted almost entirely of the evidence of Mr Sunderland himself. No officer of the Applicant companies gave evidence. No officer of UK Property Limited gave evidence. No evidence was called from the individual described during the hearing as the “finance director” or the person responsible for budgets and accounting save that Mr Sunderland confirmed this person was not an actual company officer but had a title as “finance director”. Nor was any witness called with direct responsibility for the Applicant companies' accounts or financial decision-making processes.

68. The Tribunal attaches significance to the absence of such evidence. Where the issue in dispute concerns the extent of an individual's authority over funding arrangements, one would ordinarily expect evidence from those who actually control the relevant budgets, banking arrangements or financial approvals. No such evidence was provided.

69. The Tribunal was also concerned by the state of the documentary evidence relating to the management arrangements. The principal documentary source addressing financial authority was the Managing Agent Agreement. That agreement expressly dealt with the financial arrangements applicable to the management of the Applicant sites and identified the manner in which funds were to be administered and expenditure authorised. However, during the hearing, Mr Sunderland informed the Tribunal that the agreement no longer accurately reflected the arrangements that now operated in practice and was no longer in force.

70. The Tribunal accepts that evidence. However, the consequence is that the document upon which the Tribunal might otherwise have relied to understand the financial relationship between the parties cannot safely be treated as an accurate statement of the current arrangements. More importantly, whilst the Tribunal was told that the agreement no longer reflected reality, no alternative documentary evidence was produced explaining what arrangements had replaced it. The Tribunal was therefore left without any reliable documentary evidence identifying the current funding structure, approval processes, spending authorities or financial controls.

71. The Tribunal also found a number of aspects of Mr Sunderland's oral evidence to be difficult to reconcile with the proposition that he could independently secure proper funding arrangements.

72. First, he accepted that he had no involvement in maintaining the accounts of the Applicant companies. Secondly, he accepted that he had no access to those accounts. Thirdly, he accepted that he did not possess direct knowledge of the companies' financial position derived from reviewing their accounting records.

73. The Tribunal found those concessions to be significant. A person who is said to be capable of securing proper funding arrangements would ordinarily be expected to possess some meaningful knowledge of, or access to, the financial resources upon which those arrangements depend.

74. The Tribunal was similarly concerned by the evidence relating to site profitability. During the hearing, reliance was placed upon financial information said to demonstrate that the sites were profitable and financially viable. However, Mr Sunderland expressly acknowledged that the information relied upon had been compiled from spreadsheets and was not derived from his own direct knowledge of the underlying accounts. He advised the Tribunal that he was not responsible for those accounts and was unable to verify them from first-hand financial knowledge. The Tribunal therefore places limited weight upon that material when determining whether he can secure proper funding arrangements.

75. The Tribunal also found the evidence regarding spending authority to be unclear and internally inconsistent. At one stage, Mr Sunderland suggested that he possessed authority to incur expenditure up to approximately £2,500. However, his evidence subsequently indicated that more substantial expenditure would require approval elsewhere and that he would generally make recommendations before awaiting further authorisation and queries from those with financial control. The evidence ultimately suggested that significant expenditure required approval beyond his own authority.

76. The Tribunal does not criticise that arrangement in itself. Many organisations operate with financial controls requiring approval from

directors or finance officers. The difficulty for the Applicants is that such evidence tends to demonstrate that ultimate control of substantial funding decisions rests elsewhere. It does not establish how Mr Sunderland can secure funding if those controlling the budgets decline, delay or qualify his requests. No evidence was called from the persons exercising that authority.

77. The Tribunal considers this deficiency particularly important given the statutory wording. The question is not whether funding exists somewhere within a corporate structure. Nor is it whether the sites have historically traded successfully. The question is whether the proposed manager can secure proper funding arrangements. Historical profitability and previous site operation do not, without more, establish that requirement.

78. The Tribunal has carefully considered the Applicants' closing submissions on this issue. Those submissions emphasised the experience of Mr Sunderland, the resources available through UK Property Limited, the continuing operation of the sites and the absence of evidence that funding difficulties have arisen in practice. That evidence however does not directly answer the statutory question. Experience is relevant to competence. Organisational resources are relevant to management structure. Historical site operation may demonstrate that funds have previously been available. None of those matters proves that Mr Sunderland himself has the authority, access or control necessary to secure proper funding arrangements.

79. The Tribunal therefore agrees with the Respondent's submission that a material evidential gap remains as was identified in the 2022 Decision. The last documentary evidence dealing directly with financial authority was the Managing Agent Agreement. The Tribunal was expressly told that the agreement no longer represented the current arrangements. No replacement document was produced and no witness with direct responsibility for funding arrangements was called. The only witness on the issue accepted that he did not control the accounts, did not have access to them and was not directly involved in the financial management of the Applicant companies.

80. Considering the evidence as a whole and bearing in mind that the burden rests upon the Applicants, the Tribunal is not persuaded that this statutory requirement has been established. The Tribunal accepts that Mr Sunderland may be able to request expenditure and make recommendations concerning funding. The Tribunal also accepts that funding has historically been available for the operation of the sites. However, those findings fall short of demonstrating, on the balance of probabilities, that he is able to secure proper funding arrangements within the meaning of the statutory test.

81. Accordingly, unlike the first and second grounds of challenge, the Tribunal concludes that the Applicants have failed to demonstrate that the Respondent was wrong in its concerns regarding funding

arrangements. On the evidence before the Tribunal, the requirement that Mr Sunderland be able to secure proper funding arrangements has not been established to the extent required to prove the Respondents were wrong and this aspect of the Respondent's decision is therefore upheld.

RIGHTS OF APPEAL

82. A written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case at the Regional office which has been dealing with the case by email at rpsouthern@justice.gov.uk.

83. The application for permission to appeal must arrive at the Regional office within 28 days after the date this decision is sent to the parties.

84. 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.

85. The application for permission to appeal must state the grounds of appeal and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.