



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

<b>Case Reference</b>	<b>:</b>	<b>CHI/29UK/PHI/2019/0056</b>
<b>Subject Property</b>	<b>:</b>	<b>35A The Drive, Hedge Barton Park, Tunbridge Wells, TN3 OSL</b>
<b>Applicant</b>	<b>:</b>	<b>Britannia Parks Ltd</b>
<b>Representative</b>	<b>:</b>	<b>Tozers LLP</b>
<b>Respondent</b>	<b>:</b>	<b>Mr Paul Davidson</b>
<b>Representative</b>	<b>:</b>	<b>N/A</b>
<b>Type of Application</b>	<b>:</b>	<b>Application to determine a new level of pitch fee</b>
<b>Tribunal Member</b>	<b>:</b>	<b>Judge S.Lal</b>
<b>Date of Directions</b>	<b>:</b>	<b>9 July 2019</b>
<b>Date of Decision</b>	<b>:</b>	<b>9 July 2019</b>

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**DECISION**

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**Introduction**

1. This is a decision on an application made by the site owner for a determination of a new level of pitch fee pursuant to the Mobile Homes Act 1983 (the Act).
2. The matter was determined on the basis of the papers only pursuant to Rule 31 of the Tribunal Procedure Rules. Directions were made 30 April 2019. The Tribunal notes that the Applicant has prepared and served a Bundle in accordance with the Directions. Nothing has been received from the Respondent in accordance with Direction 5.

## **Determination of the Tribunal**

3. The Tribunal had regard to the Applicant's Statement dated 28 March 2019. In this it is stated that the Applicant is the owner and operator of Hedge Barton Park. On 15 November 2018, the Applicant served by first class post a notice of proposed new pitch fee to take effect on the review date of 1 January 2019.
4. The Tribunal was supplied with a copy of the above at pages 17-26 of the Bundle. The proposed pitch fee increase is from £179.94 to £185.88 per month. The Tribunal notes that the Respondent has declined to accept the proposed new pitch fee. No representations have been received from the Respondent.
5. The Tribunal notes the provision of the Act. This gives rise to the presumption that the pitch fee shall increase or decrease by a percentage which is no more than any percentage increase or decrease in the retail prices index calculated by reference to the latest index and the index published for the month which was 12 months before that to which the latest index relates.
6. The Applicant has supplied the Tribunal with the relevant RPI for the 12 months prior to the application. In the present case the previous pitch fee was £179.94 plus a 3.3% increase to reflect the relevant RPI. This would result in a new proposed pitch fee of £185.88 per calendar month to take effect from 1 January 2019.
7. In the absence of any representations received from the Respondent and pursuant to its own assessment of the above calculation under the Act, the Tribunal confirms the pitch increase of £185.88 per calendar month to take effect from 1 January 2019.
8. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office, which has been dealing with the case. 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.
9. 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.
10. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.

Judge S.Lal.....

Date.....