



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

Case Reference : **MAN/30UL/PHI/2019/0001**

Property : **28 Oak Ridge, Three Rivers Country Park,
West Bradford, Clitheroe BB7 3JW**

Applicant : **THREE RIVERS PARK LIMITED**

Respondents : **MR and MRS BAILEY**

**Type of
Application** : **DETERMINATION OF PITCH FEE
Mobile Homes Act 1983
Schedule 1, Part 1, Chapter 2, Para 16**

Tribunal Members : **A M Davies, LLB
I James, MRICS**

Date of Decision : **1 July 2019**

DECISION

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The pitch fee payable by the Respondents with effect from 1 November 2018 is £457.86 per quarter.

REASONS

BACKGROUND

1. On 29 September 2018 the Applicant served a Pitch Fee Review Form on the Respondents, advising that their pitch fee was to increase by reference to the RPI increase for the year ending August 2018 (3.5%), from £442.38 to £457.86 per quarter.
2. Similar notices were served at the same time on other residents of the Applicant's site at Three Rivers Country Park, and a number of the residents, including the Respondents, objected to the increase.
3. The Applicant applied to this Tribunal for determination of the pitch fee. Subsequently all respondents save Mr and Mrs Bailey withdrew their objections to the increase.

THE RESPONDENTS' OBJECTION

4. The Respondents filed a statement of case in which they objected to paying any increase in pitch fee on the ground that (a) part of the boundary fence round their pitch had been damaged and had not yet been repaired (b) a shower block had been removed (c) a path giving access to the laundry room had been removed (d) the Applicant, when helping the Respondents by removing a felled tree from their pitch, left a hole in the ground which the Respondents considered unsafe, especially for their grandchildren, and (e) two pitches near their own had been left empty and unkempt for some months.
5. The Respondents stated that this "was not should be expected and does not justify an increase of any form."

THE APPLICANT'S CASE

6. The Applicant's written statements explain that the Three Rivers Country Park has been undergoing expansion and improvement over recent years. They explain that part of the Respondents' boundary fence was removed to allow access for construction traffic to an adjacent area and would be restored when the work permitted. Removal of the shower block was admitted, but the Applicant says that the showers were for the use of people using touring caravans, and that there have been no tourers on site since November 2017. It claims that access to the laundry has not been moved and produces photographs of the existing pathway. The Applicant says that a felled tree was removed from the Respondents' pitch in March 2018, and that until the Respondents served their statement of case they had not told the Applicant that they were unhappy about the condition in which their pitch was left.

7. Finally, the Applicant claims that the site has been undergoing improvement since April 2017, including the addition of a shop and café for which no contribution was sought from the residents. It denies that there has been any deterioration in the condition of the site or any decrease in amenities.

THE HEARING

8. A hearing was arranged for 1st July in Burnley Magistrates Court. The Applicant's Mr Tapsell attended with Ms Sweeney of counsel. On the morning of the hearing the Respondents contacted the Tribunal office to advise that they were unable to attend due to illness. They did not request an adjournment.

CONCLUSION

9. Paragraph 20 of the Implied Terms set out in Chapter 2, Part 1 of Schedule 1 to the Mobile Homes Act 1983 states that – unless it would be unreasonable to do so – it is presumed that the pitch fee will be adjusted annually by reference to the percentage increase or decrease in the Retail Prices Index published for the previous 12 months. As the Applicants' Pitch Fee Review Notice was served late, the relevant 12 months in this case is September 2017 to August 2018. The Respondents do not dispute that the RPI increase was 3.5% in that period.
10. Paragraph 18 of the Implied Terms sets out matters to which regard may be had in varying the presumption at paragraph 20. These include expenditure on improvements, deterioration in the condition of the site, or decrease in the amenity of the site or adjoining property of the site owner.
11. The Tribunal finds that although residents will inevitably have been affected by the ongoing site improvement works, there has not been any deterioration in the site or decrease in amenity that would justify a variation in the RPI-related increase proposed by the Applicant.