



FIRST-TIER TRIBUNAL PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : CHI/18UH/PHC/2019/0190-0197

Property : Haldon Ridge, Kennford, Exeter Devon EX67XA

Applicant : Teign Housing

Representative : ---

Respondents : 8 x Pitch Holders
2, 3, 8, 9, 11, 13, 14 & 16 Haldon Ridge

Representative : ---

Type of Application: Determination of new pitch fees – Schedule 1
Mobile Homes Act 1983

Tribunal Member: Judge P.J. Barber

Date of Decision: 14th November 2019

DECISION

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Decision

- (1) The Tribunal determines that it is reasonable for the pitch fee to be changed and the new level of pitch fee proposed by the Applicant for each of the respective eight Respondent pitch holders, shall be the amounts as specified in the respective pitch fee review forms to take effect on 29th April 2019.

Reasons

INTRODUCTION

1. The eight applications are each dated 24th June 2019, and are for determination of a new level of pitch fees in regard to the mobile home pitches located at Numbers 2, 3, 8, 9, 11, 13, 14 & 16 Haldon Ridge Mobile Home Park, Kennford, Exeter, Devon EX6 7XA. The Applicant, Teign Housing, is the site owner.
2. Directions were issued on 15th August 2019 and the Applicant has confirmed in a letter to the Tribunal dated 10th September 2019, that a copy of the documentation had been sent by it to each of the eight pitch holders. The Applicant also indicated that it had not received any submissions or witness statements from any of the Respondent pitch holders.
3. The directions provided that the matters would be determined on the papers without a hearing, unless a party objected in writing to the Tribunal within 28 days of receipt of the directions. No objections have been received by the Tribunal and accordingly all these matters now fall to be determined on the papers, without an oral hearing.

THE LAW

4. Paragraphs 16 & 17 of Chapter 2 of Part 1 of Schedule 1 to the Mobile

Homes Act 1983 provide that:-

16. The pitch fee can only be changed in accordance with paragraph 17, either-

(a) with the agreement of the occupier, or

(b) if the appropriate judicial body, on the application of the owner or the occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee

17(1) The pitch fee shall be reviewed annually as at the review date.

(2) At least 28 clear days before the review date the owner shall serve on the occupier a written notice setting out his proposals in respect of the new pitch fee

(2A) A notice under sub-paragraph (2) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 25A.

.....

Paragraph 25A provides that-

25A The document referred to in paragraph 17(2A) and (6A) must-

(a) be in such form as the Secretary of State may by regulations prescribe,

- (b) specify any percentage increase or decrease in the retail prices index calculated in accordance with paragraph 20(A1),
- (c) explain the effect of paragraph 17,
- (d) specify the matters to which the amount proposed for the new pitch fee is attributable,
- (e) refer to the occupier`s obligations in paragraph 21(c) to (e) and the owner`s obligations in paragraph 22(c) and (d), and
- (f) refer to the owner`s obligations in paragraph 22(e) and (f) (as glossed by paragraphs 24 and 25)

....

Paragraph 20(A1) provides that-

20(A1) Unless this would be unreasonable having regard to paragraph 18(1), there is a 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 only to-

- (a) the latest index, and
- (b) the index published for the month which was 12 months before that to which the latest index relates

.....

WRITTEN REPRESENTATIONS

5. The applications indicate that the review date specified in each of the respective written agreements is the “*first Monday in April*”, that the date of the last review was in each case “*1.04.18*”, and that the date when the notice of the proposed new pitch fee was served, was “*1st April 2019*”.
6. The Applicant had further stated that since the last pitch fee review in each case, no money had been spent on improvements which are for the benefit of the occupiers on the site, and there had neither been any deterioration in the condition and/or amenity of the site, nor any reduction in the services that the owner supplies to the site. Similarly, the application indicated that in each case, the pitch fee includes payment for sewerage.
7. The bundle provided by the Applicant included copies of each of the respective pitch fee review forms, which appeared to be in the form prescribed by The Mobile Homes (Pitch fees) (Prescribed Form) (England) Regulations SI 2013/1505. The bundle also included for each pitch holder, copies of the directions dated 15th August 2019 and the respective written agreements.

DECISION

8. The Tribunal has taken into account all the case papers in the bundle and also notes that no submissions or witness statements had been received by the Applicant from any of the Respondent pitch holders.
9. The Tribunal notes that the pitch fee review form in each case appears to be in the form prescribed by the relevant regulations, and in accordance with the

requirements of paragraph 25A(a) of Schedule 1 to the Mobile Homes 1983 (“the 1983 Act”).

10. The pitch review form in each case, proposes a new pitch fee, on the basis of an increase in each case, of 2.50% which appears to represent the retail prices index increase, over 12 months by reference to the RPI published for 1st April 2019, and which would appear to be in compliance with the requirements of paragraphs 20(A1) and 25A(b) of Schedule 1 to the 1983 Act.
11. The applications indicated that notices of the proposed new pitch fees were served on the occupiers on 1st April 2019. The pitch fee review forms further provided that the proposed increase should take effect in each case on 29th April 2019, being 28 clear days from the date of service. The pitch fee review forms each included an explanation of the various effects of paragraph 17 of Schedule 1 of the 1983 Act.
12. The pitch fee review forms also specified the matters to which the amount proposed for the new pitch fees are attributable, as required by paragraph 25A(d) of Schedule 1 of the 1983 Act. Similarly, the forms appear to satisfy the requirements of paragraphs 25A (e) and (f) of Schedule 1 to the 1983 Act.
13. Accordingly, the Tribunal is satisfied on the face of the documents as provided in the bundle, and in the absence of any submissions to the contrary from any of the Respondents, that it is reasonable for the pitch fees to be changed and that they shall be the pitch fee increases as proposed in the applications, by the Applicant respectively in the case of each of the Respondents.
14. We made our decisions accordingly.

Judge P J Barber (Chairman)

A member of the Tribunal
appointed by the Lord Chancellor

Appeals

1. 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.
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.

4. 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.