



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

**Case Reference** : **CHI/00HG/PHI/2020/0042**  
**P: REMOTE**  
**7 Laurel Drive**

**Property** : **Glenholt Park**  
**Glenfield Road**  
**Plymouth**  
**PL6 7NJ**

**Applicant** : **The Berkeley Leisure Group Ltd**

**Representative** : **Tozers**

**Respondent** : **Mr & Mrs Mills**

**Representative** : **In person**

**Type of Application** : **Para 16 Chapter 2 Part 1 Sched 1**  
**Mobile Homes Act 1983 (level of pitch**  
**fee)**

**Tribunal Members** : **Judge F J Silverman MA LLM**

**Date and venue of**  
**Hearing** : **Remote paper consideration**  
**16 October 2020**

**Date of Decision** : **16 October 2020**

## DECISION

The Tribunal determines that the new pitch fee from 1 April 2020 for the pitch known as 7, Laurel Drive Glenholt Park Glenfield Road Plymouth PL6 7NJ is £112.82 per month.

## REASONS

- 1 This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was P:PAPERREMOTE. A face to face hearing was not held because no one requested the same nor was it practicable and all the issues could be determined on the papers. The documents that I was referred to are the Application, Tribunal Directions, and statements for both parties, the contents of which I have recorded. The order made is described above.
- 2 The Applicant is the site owner and the Respondents are the occupiers of the Park Home address. They have not agreed the new pitch fee effective from 1<sup>st</sup> April 2020. Consequently, the site owner must apply to the Tribunal in order to obtain an increase. There does not appear to be any dispute regarding the effective date of the increase which is contained in the agreement dated 1<sup>st</sup> September 1994 made between Kingsmead Parks Limited and Mr Brian Warren and Cynthia Warren.
3. On 24 February 2020 and amended by a notice on 28 February 2020 the Applicant, served a notice proposing a new monthly pitch fee of £112.82 based on the current pitch fee of £109.85, increased by the change in the Retail Price Index over the twelve months from April 2018.
- 4 The Applicant applied to the Tribunal on 29 July 2020 for determinations that a change in the pitch fee is reasonable and the amount of a new pitch fee.
- 5 Directions were issued on 31 July and 16 September 2020 stating that the Tribunal would deal with the application on the papers unless any party requested a hearing. No such request was received.

## The Law

- 6 .The site owner can only increase the pitch fee annually with the agreement of the occupier or, in the absence of an agreement, by a determination of a new pitch fee by the Tribunal.
7. The site owner must give written notice accompanied by a prescribed Pitch Fee Review Form. The Tribunal notes that the correct form and time limits have been complied with in this case.
- 8.Paragraph 18(1) states that : ‘When determining the amount of the new pitch fee particular regard shall be had to—

- (a) any sums expended by the owner since the last review date on improvements—
- (i) which are for the benefit of the occupiers of mobile homes on the protected site
  - (ii) which were the subject of consultation in accordance with paragraph 22(e) and (f) below; and
  - (iii) to which a majority of the occupiers have not disagreed in writing or which, in the case of such disagreement, the court, on the application of the owner, has ordered should be taken into account when determining the amount of the new pitch fee'

9. Further, by s20 (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 since the last review date, unless this would be unreasonable having regard to paragraph 18(1) above.

10 . Neither party requested an inspection and the tribunal did not consider that one was necessary, nor would it have been proportionate to the issues in dispute.

11. The Applicant provided a bundle of documents containing a copy of the application, the Directions, the original agreement, the pitch fee review letter, Pitch Fee Review Form and an extract from the Office for National Statistics Retail Price Index (RPI) for the relevant period.

12.The original agreement complies with the terms imposed by the Act as amended.

13.The Respondents' comments on the proposed review contained only a complaint about the alleged state of disrepair of the base on which the mobile home stands. Whether or not the Respondents' allegations have merit is not an issue which can be considered within the jurisdiction afforded by this application and is not a matter to be taken into account in determining whether the Applicant's proposed increase is lawful and reasonable.

14 As the Tribunal has received no relevant evidence from the Respondents and the increase is based on the change in the RPI over the relevant twelve months it determines that the pitch fee should increase from the review date of 1<sup>st</sup> April 2020 to £112.82 per month in accordance with the Notices dated 24 and 28 February 2020.

15 If the Respondents have continued to pay the original pitch fee since the review date, they must pay the difference to the Applicant.

Judge F J Silverman

15 October 2020

## RIGHTS OF APPEAL

1. 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 by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk).
2. 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.
3. 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.
4. 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.