



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

**Case Reference** : CHI/00HX/PHC/2022/0010

**Property** : 21 Kingsdown Park, Stratton St. Margaret,  
Swindon, Wiltshire SN25 6PG

**Applicant** : Oaklands Property Developments Limited

**Representative** : IBB Law LLP  
[john.clement@ibblaw.co.uk](mailto:john.clement@ibblaw.co.uk)

**Respondent** : Mr Kevin Mildenhall

**Representative** :

**Type of Application** : Application for a determination of any  
question arising under the Mobile Homes act  
1983

**Tribunal  
Member(s)** : Judge D Whitney

**Date of Notice** : 30 November 2022

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**DECISION**

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**This is a formal order of the Tribunal which must be complied with by the parties.**

1. The Applicant seeks a determination of a question from the Tribunal arising under the Mobile Homes act 1983, as outlined in part 5 of the application form. The question relates to whether the Respondent is in breach of the terms of his agreement as he has erected three wooden sheds on his pitch and is storing building materials which the Applicant asserts relates to him running a business from his park home.
2. Directions were made on 10 October 2022 setting out a timetable for the exchange of documents between the parties and the preparation of a hearing bundle which was due for submission on 14 November 2022.
3. Paragraph 18 of the said Directions informed the Applicant that if the bundle was not submitted on the requested date, the case would be struck out.
4. No bundle was received by the Tribunal on 14 November 2022 and so on 23 November 2022 the application was struck out.
5. On 25 November 2022 the Applicant wrote to the Tribunal stating,

*We apologise for not previously filing a copy of the hearing bundle for the application relating to pitch 21 Kingsdown Park (CHI/00HX/PHC/2022/0010) by 14 November 2022. This was unfortunately overlooked due to the three other linked applications (0009/011 and 012) being consolidated, and the timetables for the other applications (including for the filing of the bundle) being extended.*

*Given that the Respondent in the present application (Mr Mildenhall) has not responded to the application or submitted any evidence we remain happy for the Tribunal to determine this application on the basis of the papers already submitted, and we therefore attach the bundle in accordance with the directions dated 10 October 2022, together with an application under Rule 9(5) of the Tribunal procedure Rules.*

6. The Tribunal has received no objections from the Respondent in connection with this application.

**Decision**

7. This case is one of four applications involving a number of parties with different representatives and for whom there have been directions issued that relate to some but not all of the properties in question. The Tribunal recognises that this is a complicated matter. In addition, the Applicant responded promptly to the previous Notice to strike out the

Application. The Tribunal therefore agrees to reinstate this application in accordance with Rule 9(5) of the Tribunal Procedure Rules.

8. The application will now be reviewed as to its suitability to still be determined on the papers and directions will be issued shortly.

### **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) 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.