



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

Case Reference : **MAN/30UD/PHI/2021/0014**

Property : **50 Gawthorpe Edge Park, Burnley, Lancashire**

Applicant : **Residential Parks Limited**

Respondent : **Mr and Mrs Payton**

Type of Application : **Determination of new pitch fee**

Tribunal : **A M Davies, LLB
E Scull, MRICS**

Date of Decision : **2 September 2022**

DECISION

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1. The pitch fee payable by the Respondents for the year ending 31 July 2022 is £177.05 per calendar month.
2. The Respondents shall reimburse the application fee paid by the Applicants in the sum of £20.

REASONS

1. On or about 20 June 2021 the Applicant served a Pitch Fee Review Form on the Respondents, who occupy a pitch on the Applicant's protected site known as Gawthorpe Edge Park, Burnley. The Pitch Fee Review Form advised the Respondents that the pitch fee from 1st August 2021 was to be £177.05 per calendar month.
2. The Respondents have not expressly objected to the new pitch fee, but have continued to pay the pitch fee payable prior to 1st August 2021.
3. The Applicant followed the correct procedure for a pitch fee review as set out at paragraph 17 of Chapter 2, Schedule 1 to the Mobile Homes Act 1983 ("the Implied Terms"), and correctly calculated the annual pitch fee increase in line with the Retail Price Index [RPI] adjustment over the previous 12 months.

THE LAW

4. Paragraphs 18, 20 and 22 of the Implied Terms govern pitch fee reviews. Paragraph 20 includes the following provision:

"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 [RPI]."

DECISION

5. The Respondents have not provided a statement of their case. They have not alleged that it would be unreasonable to apply the presumption authorised by paragraph 20 of the Implied Terms.
6. The pitch fee payable from 1st August 2021 to 31 July 2022 is therefore £177.05 per calendar month. Because they have not attempted to justify their refusal to pay the increase, and have put the Applicant to the trouble and expense of this application, the Respondents are to reimburse the application fee in the sum of £20.

Judge A Davies
2 September 2022