



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

Case Reference : **MAN/32UE/PHI/2022/0120**

Property : **R7 Kirkstead Bridge Park, Martindales, Woodhall Spa, LN10 6XX**

Applicant : **Tingdene Parks Limited**

Respondent : **Mrs Ingrid Jones**

Type of Application : **Determination of new pitch fee: Mobile Homes Act 1983 Schedule 1, chapter 2, paragraph 16**

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

Date of Decision : **5 April 2023**

DECISION

1. The pitch fee payable by the Respondent with effect from 1 May 2022 is £1769.64 per year.
2. The Respondent shall pay to the Applicant the tribunal application fee of £20.

REASONS

1. On 28 February 2022 the Applicant served a pitch fee review form on the Respondent, who occupies a pitch on the Applicant's protected mobile home site known as Kirkstead Bridge Park, Martindales, Woodhall Spa in Lincolnshire. The pitch fee review form advised the Respondent that her pitch fee was to be increased by 7.8%, being the annual increase in the Retail Prices Index (RPI) published in February 2022.

2. 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 Respondent’s Written Statement provides that her pitch fee review date is 1 May in each year.

THE LAW

3. Paragraphs 18 and 20 of the Implied Terms govern pitch fee reviews and the matters to be taken into account if a pitch fee increase is not to reflect simply any increase or decrease in the RPI since the last review date. So far as relevant they read:

“18(1) 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;.....*
- (aa) any deterioration in the condition, and any decrease in the amenity of the site or any adjoining land since [26th May 2013] (insofar as regard has not previously been had to that deterioration or decrease for the purposes of this sub-paragraph);.....*

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].”

CONCLUSION

4. The Tribunal has not been provided with a copy of any correspondence between the Respondent and the Applicant. The Respondent has not complied with directions given by the Tribunal on 16 September 2022, and has not provided any reason for non-payment of the reviewed pitch fee.

5. In these circumstances the statutory presumption that the RPI increase is to be applied to the pitch fee review. The reviewed pitch fee (as calculated by the Applicant) is therefore payable from 1 May 2022. As the Respondent does not appear to have had any reason for failing to agree to the increase, the application fee paid to the Tribunal is to be reimbursed by the Respondent.