



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

**Case Reference** : CHI/00HC/PHI/2023/0101

**Property** : 2 Downside Park, Hyatts Wood Road, Backwell,  
Bristol, BS48 3EE

**Applicant** : Donaldson & Newman Ltd

**Representative** : Nicholas David Newman

**Respondent** : Kevin Harris

**Representative** : In person

**Type of Application** : Review of Pitch Fees: Mobile Homes Act  
1983 (as amended)

**Tribunal member** : Judge Mark Loveday

**Date of Hearing** : 25 July 2023

**Date of Decision** : 08 August 2023

---

**DECISION**

---

## **Background**

1. This decision relates to a pitch fee review for a park home at 2 Downside Park, Hyatts Wood Road, Backwell, Bristol, BS48 3EE. The applicant is the site owner. The respondent is owner of the pitch.
2. A Pitch Fee Review Form dated 30 November 2022 was served on the respondent at his address on the same day. It proposed an increase in the pitch fee by an amount which represented an adjustment in line with the Retail Price Index. The new proposed fee is £161.92 per month and the Review Date was 1 January 2023.
3. On 22 March 2023, the applicant sought a determination of the fee and directions were given on 24 May 2023. The matter was considered suitable for determination without a hearing, and the application was therefore listed for a decision on the paper track on 25 July 2023.
4. The applicant has submitted the application, a brief reply and a witness statement from a director Mr Nicholas Newman. The respondent has not filed any kind of statement of case or witness statement, despite directions being given for him to do so.

## **Facts**

5. Downside Park is a small site located close to Bristol airport on the edge of open countryside and comprises some 14 pitches.
6. 2 Downside Park is occupied under an agreement which began on 27 September 1986. A copy of the Written Statement was included in the bundle. The agreement provided for a review on 1 January in each year.
7. The applicant produced a copy of the Pitch Fee Review Form.

## **The applicant's arguments**

8. The applicant proposes a pitch fee of £161.92pm comprising:
  - a. The current pitch fee of £140.86pm.
  - b. The RPI Adjustment of 14.2% (£20.01) per year.
  - c. A contribution of £1.05pm towards the local authority annual site licence fee for 2021-2022. The annual licence fee of £175.70 was divided equally between the 14 plots.
9. In essence, the applicant relied on the implied provision in para 20(A1) of Ch.1 of Pt.1 of Sch.1 to the Mobile Homes Act 1983 ("the 1983 Act"), which raises a presumption that the pitch fee will increase/decrease by a percentage which is no more than any percentage increase/decrease in the Retail Prices Index.
10. Mr Newman rightly drew the tribunal's attention to a typo in the Review Form which gave the wrong current monthly pitch fee. But this did not affect the calculations in section 4 of the form or the outturn figure of £161.92pm.

## **Consideration**

11. Downside Park is a protected site within the meaning of the 1983 Act. The

respondent's right to station his mobile home on the pitch is governed by the terms of a written agreement with the applicant and the provisions of the 1983 Act.

12. In this case, the tribunal is satisfied the review complies with the procedural requirements. The applicant has produced a review form in prescribed form which was served on the respondent on 30 November 2022. The form proposed a new pitch fee effective from 1 January 2023, which was more than 28 days prior to the effective review date: para 17(2) of Sch.1. The application to the tribunal to determine the pitch fee was made on 22 March 2023, which was within the period starting 28 days to three months after the review date of 1 January 2023. The tribunal therefore finds that the applicant has complied with the procedural requirements for a review.
13. As far as the increase is concerned, the applicant relies on the implied provision set out in para 20(A1) of Ch.1 of Pt.1 of Sch.1 to the 1983 Act, which raises a presumption that the pitch fee will increase/decrease by a percentage which is no more than any percentage increase/decrease in the Retail Prices Index. This is calculated by reference 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, ("The RPI Adjustment")The increase is presumed to be reasonable unless this would be unreasonable having regard to various factors in paragraph 18(1).
14. The tribunal is satisfied with the calculations of the review based on RPI. No arguments were raised about a departure from that figure under para 18 of Sch.1.
15. Although the applicant has not provided a copy of the receipt for the annual site licence, this is a modest figure. The tribunal accepts the applicant's evidence that it has incurred costs of £175.70 for the licence.
16. The tribunal, therefore, confirms the increase.

### **Decision**

36. The tribunal determines that the proposed increase in the pitch fee is reasonable. A new pitch fee of £161.92pm will take effect from 1 January 2023.
37. The respondent has chosen not to participate in the proceedings, but he did not agree the new pitch fee. Having put the applicant to additional cost, the tribunal grants the application for reimbursement of the application fee of £20.00 under rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

Judge Mark Loveday

25 July 2023

## **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.