



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

**Case Reference** : CHI/43UF/PHM/2023/0001

**Property** : 30 Fangrove Park, Chertsey, Surrey KT16  
0BN

**Applicant** : Wyldcrest Parks (Management) Limited

**Representative** :

**Respondent** : The Estate of Mr Dennis Brown

**Representative** : Mr Stephen Brown (Executor)

**Type of Application** : Application by owner of a Park Home site  
for a refusal order  
Paragraph 7B of Chapter 2 of Part 1 of  
Schedule 1 Mobile Homes Act 1983 (as  
amended)

**Tribunal Members** : Regional Judge Whitney  
Regional Surveyor Gater FRICS

**Date of Hearing** : 27 November 2023

**Date of Decision** : 11 December 2023

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**DECISION**

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## **Background**

1. The Applicant seeks to apply for a refusal order preventing the occupier from selling the park home and assigning the agreement to the proposed occupier. This application was received on 6 November 2023.
2. The Applicant has submitted a copy of the site rules and a copy of the Schedule 2 Notice of proposed sale. The grounds of the application are that were the sale of the park home to go ahead, the proposed occupier would be in breach of the site rules, as dogs are not permitted on the site.
3. The Tribunal issued directions on 20<sup>th</sup> November 2023 listing the matter for hearing on 27<sup>th</sup> November 2023. The directions included provision for an electronic bundle which ran to 33 pdf pages and references in [ ] are to pages within that bundle.
4. The Tribunal also received various case management applications from the parties. The final one of which is relevant in which the Respondent invites the Tribunal to withdraw the application and lists the grounds as:

*“I would like to withdraw from the Tribunal.  
The buyer has pulled out from the sale and is no longer pursuing buying 30 Fangrove Park.*

*I have spoken at length on the morning of the 24th November to David Sunderland and informed him that I do not oppose the tribunal order and will pay the £300 fees for the hearing only, as agreed in our discussion.*

*I therefore will not attend the hearing on Monday, the impact on my mental health is too much, along with the frustrations of being misadvised from the Estate Agent. (I know not a matter for the tribunal) “*

5. This application was electronically signed by Mr Stephen Brown and forwarded to the Tribunal by a relative Ms S Jenkins.

## **Hearing**

6. The hearing took place remotely by CVP. Mr D Sunderland appeared for the Applicant. The Respondent did not attend.
7. Mr Sunderland explained that he continued to seek a refusal order and order that the Respondent reimburse the Tribunal fees paid by the Applicant. He understood this was not opposed by the Respondent.

8. Mr Sunderland referred to the Schedule 2 notice of a proposed sale [12 & 13] which indicated that the would-be purchaser had a “Dog german shepherd”. He explained the site rules, and specifically Rule 12 [11] did not allow dogs on the site.
9. The Tribunal questioned Mr Sunderland about an email not in the bundle but sent by the parties dated 9<sup>th</sup> November 2023 from Kim Senior, an employee of the Applicant to someone called Arabella Jenkins. The first email at 7.53am said Fangrove Park was dog friendly. A second email timed at 10.34 on the same date indicated this was an error and dogs were not allowed. Mr Sunderland explained Ms Senior had erroneously replied to an email from someone calling themselves Ms Jenkins but when she realised her error had corrected the same. Mr Sunderland stated a number of parks run by the Applicant do allow dogs but not this one.
10. Mr Sunderland stated that the Applicant had explained the situation to the Respondent and invited them to withdraw. They had not done so and so the site owner was required to make the application. Equally the Respondents agreement to effectively not proceed with the sale was only made after the hearing fee had been paid. In all the circumstances and given the Respondents agreement he invited the Tribunal to make the orders requested.

## **Decision**

11. We thank Mr Sunderland for his submissions at the hearing and the written submissions of the Respondent.
12. We are satisfied that the site rules for the Park [10 & 11] do not allow dogs on the site. The Schedule 2 notice specifically indicated the would-be purchaser wished to bring a dog on the site. As a result, we are satisfied that a refusal order should be made. Whilst it appears the Respondent and his buyer are not proceeding in all the circumstances, we still make a refusal order.
13. Turning to reimbursement of the Tribunal fees paid by the Applicant totalling £300 we are satisfied that the Respondent should repay these to the Applicant within 28 days of this decision.
14. Whilst orders for reimbursement are discretionary we are satisfied in all the circumstances we should exercise our discretion to make an order. The Respondent indicates they agree to the making of such an order and we are satisfied that the Applicant had no choice but to make the application. The Respondent could have withdrawn the notice but they did not agree to the same until after the fees had been incurred.

## 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)
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.