



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

Case References : **BIR/17UD/PHI/2023/0130, 0131 and 0185**

Subject Properties : **45, 21 and 112 Riverdale Park
Bent Lane
Staveley
Chesterfield
S43 3UQ**

Applicant : **Cathmal Ltd**

Respondents : **Andrew Smith (45)
Richard Wood (21)
Ian Gray (112)**

Type of Application : **Applications under paragraph 16 of Chapter
2 of Part 1 of Schedule 1 to the Mobile
Homes Act 1983 for the determination of
new levels of pitch fee for the subject
properties**

Tribunal Member : **Deputy Regional Judge Nigel Gravells**

Date of Decision : **20 December 2023**

DECISION

Determination

- 1 On 27 June 2023 the Tribunal received two applications from the Applicant, seeking determinations under paragraph 16 of Chapter 2 of Part 1 to Schedule 1 to the Mobile Homes Act 1983 of new levels of pitch fee for 45 and 21 Riverdale Park with effect from 1 April 2023. The pitch fee notices were dated 1 March 2023.
- 2 On 4 August 2023 the Tribunal issued Directions for the determination of the applications.
- 3 On 7 August 2023 the Tribunal received a further similar application from the Applicant in relation to 112 Riverdale Park.
- 4 On 23 August 2023 the Tribunal directed that the three applications be consolidated and determined together and issued replacement Directions.
- 5 The Applicant is the site owner of Riverdale Park.
- 6 The Respondents are the respective occupiers of the subject properties.
- 7 The Tribunal drew the attention of the Respondents to the Pitch Fee Review Form issued by the Applicant – and, in particular, to the statutory presumption (in paragraph 20 of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983) that the pitch fee would increase or decrease by no more than the annual change in the Retail Prices Index (RPI), unless that would be unreasonable having regard to the matters set out in paragraph 18(1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983.
- 8 The Respondents were directed, if they did not agree to the proposed new pitch fee, to send to the Applicant, and to the Tribunal, a Statement in Response, setting out in full their reasons for opposing the proposed new pitch fee.
- 9 The Tribunal indicated that, if a Respondent failed to send a Statement in Response, they might be deemed to have agreed to the proposed new pitch fee.
- 10 No Statement in Response was received from any of the Respondents by the specified deadline.
- 11 On 20 September 2023 the Tribunal issued further Directions, indicating that, if the Respondents did not provide Statement(s) in Response by 2 October 2023, the Tribunal would bar them from taking further part in the proceedings (pursuant to rule 9(1) and (7)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ('the 2013 Rules')); and, pursuant to rule 9(8) of the 2013 Rules, that the Tribunal would determine the new pitch fees at the levels proposed by the Applicant.
- 12 On 29 September 2023 the Tribunal received a letter from Mr Wood (the occupier of 21 Riverdale Park) objecting to the proposed pitch fee but his letter did not raise any issue relevant to the pitch fee review.
- 13 On 23 October 2023 the Tribunal received a further letter from Mr Wood, stating that his dispute with the Applicant had been settled; but this was subsequently denied by the Applicant.
- 14 On 1 October 2023 the Tribunal received a letter from Mr Gray (the occupier of 112 Riverdale Park) objecting to the proposed pitch fee but again his letter did not raise any issue relevant to the pitch fee review.

- 15 The Tribunal received no communication from Mr Smith (the occupier of 45 Riverdale Park).
- 16 In the absence of any relevant object to the proposed pitch fees, the Tribunal bars the Respondents from taking further part in the proceedings (pursuant to rule 9(1) and (7)(a) of the 2013 Rules); and, pursuant to rule 9(8) of the 2013 Rules, the Tribunal determines the new pitch fees at the levels proposed by the Applicant –
- | | |
|---------------------|-------------------|
| 45 Riverdale Park: | £130.23 per month |
| 21 Riverdale Park: | £161.47 per month |
| 112 Riverdale Park: | £309.89 per month |

Appeal

- 17 If a party wishes to appeal this Decision, that appeal is to the Upper Tribunal (Lands Chamber). However, a party wishing to appeal must first make written application for permission to the First-tier Tribunal at the Regional office which has been dealing with the case.
- 18 The application for permission to appeal must be received by the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
- 19 If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason(s) for not complying with the 28-day time limit. The Tribunal will then consider the reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
- 20 The application for permission to appeal must state the grounds of appeal and state the result the party making the application is seeking.

20 December 2023

Professor Nigel P Gravells
Deputy Regional Judge