



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

**Case Reference** : CHI/00HX/PHK/2023/0002

**Property** : Kingsdown Caravan Park, Swindon, Wiltshire,  
SN256PG

**Applicant** : Kingsdown Park Residents Association

**Representative** : Sharon Perkins

**Respondent** : Shaun Gorman

**Representative** :

**Type of Application** : Recognition of a Qualifying Residents'  
Association

**Tribunal Members** : Judge N Jutton

**Date of Decision** : 18 January 2024  
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DECISION

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## 1. **Background**

2. By an application dated 18 May 2023 the Applicant seeks an Order that Kingsdown Park Residents Association is a Qualifying Residents Association as defined by paragraph 28 of Chapter 2 of Schedule 1 of the Mobile Homes Act 1983.
3. Directions were made by the Tribunal on 4 December 2023. They provided that the Applicant's application form together with accompanying documents would stand as the Applicant's case. They provided for the Respondent to write to the Tribunal and to the Applicant to confirm whether he consented to the application or not and for the Applicant to send a brief reply. The directions provided that the application would be determined on the basis of written representations without a hearing unless either party objected. Neither party has objected and the Tribunal has proceeded to determine application on the papers alone.

## 4. **The Law**

5. Paragraph 28 of Chapter 2 of Schedule 1 of the Mobile Homes Act 1983 states as follows:

*(1) A residents' association is a qualifying residents' association in relation to a protected site if-*

- (a) it is an association representing the occupiers of mobile homes on that site;*
- (b) at least 50 per cent of the occupiers of the mobile homes on that site are members of the association;*
- (c) it is independent from the owner, who together with any agent or employee of his is excluded from membership;*
- (d) subject to paragraph (c) above, membership is open to all occupiers who own a mobile home on that site;*
- (e) it maintains a list of members which is open to public inspection together with the rules and constitution of the residents' association;*
- (f) it has a chairman, secretary and treasurer who are elected by and from among the members;*
- (g) with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each mobile home; and*
- (h) the owner has acknowledged in writing to the secretary that the association is a qualifying residents' association, or, in default of this, the appropriate judicial body has so ordered*

*(2) When calculating the percentage of occupiers for the purpose of sub-paragraph (1)(b) above, each mobile home shall be taken to have only one occupier and, in the event of there being more than one occupier of a mobile home, its occupier is to be taken to be the occupier whose name first appears on the agreement.*

6. For the purposes of subparagraph (1)(h) above this Tribunal is an appropriate judicial body.

7. **The Application**

8. The Applicant has produced a copy of its constitution. It provides that membership is open to all occupiers of owner occupied park homes on the site and that the park owner and any agent or employee of his are excluded from membership. It provides that a list of members shall be open to inspection together with the rules and constitution of the association. The constitution provides that the association is stated to have a chairman a secretary and a treasurer who are elected by and from among the members. Decisions are taken by voting with only one vote for each mobile home.

9. The Applicant has produced a list of members of the Association. The list refers to the mobile home number and is signed by certain occupiers to confirm their membership. The list shows the total number of members (upon the basis that for the purpose of calculating the percentage of occupiers each mobile home shall be taken to have only one occupier ) of 26. (The Applicant suggests that 37 members have signed up to membership of the Association but it appears to have counted two occupiers for certain of the mobile homes. Paragraph 28(2) as set out above provides that for the purpose of calculating the percentage each mobile home shall be taken to have only one occupier).

10. In a form of notice served by email by the Applicant on the Respondent dated 27 April 2023 the Applicant referred to 40 qualifying residents and stated that at that time 37 had signed up so that the requirement that 50% of occupiers be members of the association had been met.

11. In his response to the application dated 14 December 2023 the Respondent said that he believed that the figures produced by the Applicant were inaccurate. That there were a total of 41 mobile home plots on site of which he owned 11. That the occupiers of plots 5 and 12 were deceased which left only 28 occupiers who could become members of a residents' association. That accordingly the applicant's suggestion that 37 occupiers had signed up to become members was wrong. The Respondent concluded that he had 'no issue with a Residents Association been established as long as it is correct and accurate'.

12. In a form of Reply dated 18 December 2023 the chairman of the Applicant association Mr Foley confirmed that there were a total of 41 plots of which 28 were owner occupied and two were empty due to the death of the occupants. That the threshold required of 50% of occupiers being members of the association had been met.

13. **Decision**

14. The parties agree that there are 41 mobile homes on the site. The Applicant has produced evidence that the occupiers of 26 of the mobile phones are members of the Applicant association. The requirement at paragraph 28(1)(b) that at least 50% of the occupiers of the mobile homes on the site are members of the association has been met.

15. From the evidence produced to it the Tribunal is satisfied that the Applicant is an association representing the occupiers of mobile homes on the site; that it is independent from the Respondent owner; that the owner together with any agent or employee of his are excluded from membership; that the constitution provides that membership is open to all occupiers who own a mobile home on the site; that the association maintains a list of members which is open to public inspection together with the rules and the constitution of the association; that it has a chairman secretary and treasurer elected by and from among the members; that with the exception of administrative decisions taken by the chairman secretary and treasurer acting in their official capacities, decisions are taken by voting and that there is only one vote for each mobile home.
16. In all the circumstances the Tribunal is satisfied that the Applicant is a qualifying residents association for the purposes of paragraph 28 of Chapter 2 to Schedule 1 of the Mobile Homes Act 1983 and so Orders accordingly.

18 January 2024

Judge N Jutton

## **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 to the First-tier Tribunal at [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) being 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