



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

**Case Reference** : **BIR/17UB/PHI/2023/0154-0158**

**Subject Properties** : **2, 15, 47, 47c and 4 The Glade  
Cupola Park  
Longway Bank  
Whatstandwell  
Derbyshire  
DE4 5HT**

**Applicant** : **Cupola Country Park Limited**

**Respondents** : **(1) Mr and Mrs Boxall (2)  
(2) Mr R Clarke (15)  
(3) Mr R Wileman (47)  
(4) Mr Roach and Mrs Bertelsen (47c)  
(5) Estate of Mr McNevin (4 The Glade)**

**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 a  
new level of pitch fee for the subject  
property**

**Tribunal Member** : **V Ward BSc Hons FRICS**

**Date of Decision** : **17/04/2024**

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**DECISION**

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## Preliminary

- 1 On 29 June 2023 the Tribunal received five 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 the subject properties with effect from 1 April 2023. The pitch fee notices were dated 24 February 2023.
- 2 The Applicant is the site owner of Cupola Park.
- 3 The Respondents are the occupiers of the subject properties.
- 4 On 11 September 2023, the Tribunal issued Directions for the determination of these applications.
- 5 The Respondents were instructed that if they did not agree to the proposed new pitch fee, they must, not later than 25 September 2023, 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.
- 6 The Respondents were further warned that if they failed to comply with paragraph 9 above, they may be deemed to have agreed to the proposed new pitch fee.
- 7 No statements were received from any of the Respondents.
- 8 On 1 November 2023, the Tribunal wrote to the Respondents as follows:

*On 11th September 2023 the Tribunal issued Directions.*

*The Respondents have failed to comply with Paragraph 9 of Directions with the consequence that they may be deemed to have agreed the proposed new pitch fee:*

*“9.If any of the Respondents do not agree to the proposed new pitch fee, they must, not later than 25 September 2023, 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. The Statement in Response must set out all matters of fact and law relied upon and must include all relevant documents.*

*10 If any of the Respondents fail to comply with paragraph 9 above, they may be deemed to have agreed to the proposed new pitch fee.”*

*Accordingly a Procedural Judge has issue the following further Directions to each Respondent:*

*1. Unless the Respondent complies with Paragraph 9 of Directions by 4 p.m. on 7th November 2023 that Respondent will be automatically barred from taking further part in these proceedings under Rules 9(1) and (7)(a).*

*2. If a Respondent fails to comply with Directions, the Tribunal need not consider any response or other submission made by that Respondent and may summarily determine any or all issues against that Respondent (Rule 9(8))”*

9 The Respondent of 47 Cupola Park confirmed that they were paying the new pitch fee. No reply was received from any other Respondent.

### **Determination**

10 Accordingly, the Tribunal summarily determines the following pitch fees are payable from 1 April 2023 (all per month):

2 Cupola Park	£165.85
15 Cupola Park	£165.85
47 Cupola Park	£165.85
47c Cupola Park	£239.17
4 The Glade	£165.85

### **Appeal**

11 A party seeking permission to appeal this decision must make a written application to the Tribunal for permission to appeal. This application must be received by the Tribunal no later than 28 days after this decision is sent to the parties. Further information is contained within Part 6 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 (S.I. 2013 No. 1169).