



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

Case reference : **MAN/00EM/PHI/2023/0418-0424**

Properties : **1, 2, 3, 5, 10, 12 and 18 Vale View, Whittington,
Alnwick NE66 4RG**

Applicants : **Janet Young and Robert Young**

Respondents : **Those listed in the Schedule, being the occupiers of the
seven Properties that are the subject of the
Applications**

**Type of
Application** : **Mobile Homes Act 1983 - Schedule 1 Chapter 2
paragraph 16.**

**Tribunal
Members** : **Tribunal Judge S Moorhouse LLB
Mr IR Harris BSc FRICS MBE**

Date of Decision : **16 May 2024**

DECISION

DECISION

1. Pursuant to the Mobile Homes Act 1983, Schedule 1, Chapter 2, paragraph 16, the tribunal Orders that the pitch fee for each of the Properties shall be increased at the review date of 1 September 2023 by 7.9%. This represents the CPI increase provided for at paragraph 20A1 of Chapter 2, as amended by the Mobile Homes (Pitch Fees) Act 2023.
2. In accordance with paragraph 17(4)(c) of Chapter 2 the new pitch fee shall be payable from the review date of 1 September 2023 but each of the Respondents shall not be treated as being in arrears until the 28th day after the date of this Order.

REASONS

The Applications

3. The seven applications ('the Applications') were made by Janet and Robert Young ('the Applicants') on 31 October 2023. The seven sets of Respondents are the occupiers of the park homes listed in the Schedule ('the Properties'). The names of the relevant Respondents are given in the Schedule alongside the addresses of the Properties and the corresponding HMCTS references for the Applications.
4. The Applications concerned the 7.9% increase in the pitch fee sought by the Applicants in relation to the review date of 1 September 2023. This was the first time that a pitch fee review at the site had been referred to tribunal. The Applications sought an Order confirming the amount of the new pitch fee under paragraph 16(b), Chapter 2, Schedule 1 to the Mobile Homes Act 1983 ('the 1983 Act').
5. Directions were issued on 8 February 2024 pursuant to which written submissions were made by the parties. An inspection was conducted by the tribunal on 14 May 2024, attended by the Applicants and their son Andrew Young, and four of the Respondents, namely Mr Lucas, Mr Hawkins, Mr Wade and Mr Ashby.
6. At inspection the tribunal noted the park homes site to be of a relatively high standard for developments of this nature, reflecting the obvious quality of the Properties and the other park homes on the site.
7. The Applicants were content for the Applications to be determined on the papers and none of the Respondents requested a hearing. In these circumstances, having received written submissions and having regard to Rules 3 and 31 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal considered it to be in the interests of fairness and justice to proceed by way of paper determination.

The Law

8. Paragraph 16, Chapter 2, Schedule 1 to the 1983 Act provides that a pitch fee can only be changed by agreement of the occupier, or if a tribunal, on the application of the owner or the occupier, considers it reasonable for the pitch fee to be changed and makes an order confirming the amount of the new pitch fee.
9. Paragraph 20A1 of Chapter 2, as amended by the Mobile Homes (Pitch Fees) Act 2023 ('the 2023 Act') provides: *'Unless this would be unreasonable having regard to paragraph 18(1), there is a presumption that the pitch fee shall increase or decrease by a percentage which is no more than any percentage increase or decrease in the*

consumer prices index...' The paragraph (as amended) goes on to define a method for calculating an increase by reference to CPI.

10. Paragraph 18(1) of Chapter 2 sets out the factors to which particular regard must be had in accordance with paragraph 20A1.
11. Sub-paragraph (a) relates to improvements by the owner which have been the subject of consultation and to which a majority of the occupiers have not disagreed in writing and which the tribunal orders, on the application of the owner, should be taken into account when determining the amount of the new pitch fee. The Applicant did not seek an Order that any particular sums expended in accordance with sub-paragraph (a) be taken into account.
12. Sub-paragraph (ba) relates to the direct effect on the costs payable by the owner in relation to the maintenance or management of the site of an enactment which has come into force since the last review date. No such enactment was identified by the Applicants.
13. Sub-paragraph (aa) provides that particular regard should be had to '*any deterioration in the condition, and any decrease in the amenity, of the site or any adjoining land which is occupied or controlled by the owner since the date on which this paragraph came into force (in so far as regard has not previously been had to that deterioration or decrease for the purposes of this sub-paragraph)*'.
14. Sub-paragraph (ab) provides that particular regard should be had to '*any reduction in the services that the owner supplies to the site, pitch or mobile home, and any deterioration in the quality of those services, since the date on which this paragraph came into force (in so far as regard has not previously been had to that reduction or deterioration for the purposes of this sub-paragraph)*'.

Issues

15. Numerous issues were raised by the Respondents within their various submissions. Some of these reflected discussions within the Residents Association for the site. Issues included the general maintenance and maintenance plans, gaps in hedging, the lack of a sheltered area for refuse bins on collection day, a bad odour from sewerage and the condition of the Applicants' adjoining land, ear-marked for a further phase of the park homes development.
16. Additionally there were issues specifically affecting Professor and Mrs Pearson of no. 18 since access to their park home was via an unlit, gravelled road situated on the adjoining and currently undeveloped land. It was common ground that the access road fell outside the site boundary in the grant of planning permission.

Determination

17. The tribunal considered it to be reasonable for the pitch fee to be changed and for the tribunal to make an order determining the amount. No significant deterioration in condition, decrease in amenity, reduction in services or deterioration in the quality of services had been demonstrated on the papers before the tribunal. The issues with landscaping, including weeding and gaps in hedging, were minor in nature and the issues raised were generally of an ongoing nature. The tribunal noted at inspection that overall the landscaping works had matured since the first park home was occupied in circa 2020. Deterioration in the condition or amenity of the site owing to sewerage issues falling within the Applicants' responsibilities had not been proven

and the issues with refuse collection did not represent a reduction in service, deterioration in the quality of service, deterioration in condition or decrease in amenity.

18. The adjoining land owned by the Applicants had been left as a field pending future development. On the papers before the tribunal there was no significant deterioration in the condition or decrease in the amenity of the adjoining land. The primary view for residents was over the valley rather than towards the intended site of the next phase.
19. The statutory provisions to be applied by the tribunal have been referred to above. No deterioration in condition or decrease in amenity in relation to the access road to no. 18 or in relation to the lack of lighting has been established. It is beyond the tribunal's remit to consider whether Professor and Mrs Pearson have any recourse in relation to the matters they have raised under their terms of purchase or whether any planning or licensing issues arise.
20. The increase in pitch fees of 7.9% sought in relation to the review date of 1 September 2023 has been calculated for the Applicants by reference to paragraph 20A1, Chapter 2, Schedule 1 to the 1983 Act as amended by the 2023 Act. The calculation of the CPI increase was not challenged by the Respondents.
21. In all of these circumstances the tribunal determined that the presumption at paragraph 20A1, Chapter 2, Schedule 1 to the 1983 Act (as amended by the 2023 Act) arose, determining that this was not unreasonable having regard to paragraph 18(1).
22. The tribunal Orders therefore that the pitch fee for each of the Properties shall be increased at the review date of 1 September 2023 by 7.9%.

S Moorhouse

Tribunal Judge

Schedule

Respondents

1, 2, 3, 5, 10, 12, 18 Vale View, Whittington, Alnwick NE66 4RG

No. 1	Mr J and Mrs P MacGregor	MAN/ooEM/PHI/2023/0419
No. 2	Mr M and Mrs G Lucas	MAN/ooEM/PHI/2023/0421
No. 3	Mr S Hawkins and Ms C Godsell	MAN/ooEM/PHI/2023/0420
No. 5	Mr and Mrs J Wade	MAN/ooEM/PHI/2023/0418
No. 10	Mr G and Mrs Failes	MAN/ooEM/PHI/2023/0422
No. 12	Mr C and Mrs L Ashby	MAN/ooEM/PHI/2023/0423
No 18	Prof A and Mrs G Pearson	MAN/ooEM/PHI/2023/0424