



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

Case Reference : **BIR/44UE/PHI/2024/0005;
BIR/44UE/PHI/2024/0006; and
BIR/44UE/PHI/2024/0003**

Properties : **Various premises at Oak Tree Farm,
Juggins Lane, Earlswood, B94 5LL (see
Schedule)**

Applicant : **Mr A Hartley**

Respondents : **As listed in Schedule**

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

Tribunal : **Judge Gandham (Deputy Regional Judge)**

Date of Decision : **29 August 2024**

DECISION

Background

1. On 21 March 2024, the Tribunal received three applications from the Applicant seeking a determination, under paragraph 16 of Chapter 2 of Part 1 to Schedule 1 to the Mobile Homes Act 1983 ('the Act'), of a new level of pitch fee for three premises on Oak Tree Farm – Pitch 25, Pitch 37 and Pitch 44, with effect from 1 January 2024. The pitch fee notices were all dated 24 November 2023.
2. The Applicant is the site owner of Oak Tree Farm, Juggins Lane, Earlswood, B94 5LL and the Respondents detailed in the Schedule are the owners of the respective premises detailed therein.
3. Directions were issued on 10 April 2024, consolidating all three applications. In the Directions, 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 Consumer Prices Index (CPI), 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.
4. The Respondents were directed, if they did not agree to the proposed new pitch fees, to send to the Applicant, and to the Tribunal, a Statement in Response, setting out in full their reasons for opposing the proposed fees. The Tribunal indicated that, if the Respondents failed to send a Statement in Response, they might be deemed to have agreed to the proposed new pitch fee.
5. No Statement in Response was received from any of the Respondents by the specified deadline.
6. On 10 June 2024, the Tribunal wrote to the Respondents again, stating that if the Respondents did not provide a Statement in Response by 24 June 2024, the Tribunal would bar the Respondents 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 Rules')) and might summarily determine the new pitch fee at the level proposed by the Applicant (pursuant to Rule 9(8) of the Rules).
7. The only response received was from Mr and Mrs Downing (Pitch 37) who stated, in a letter dated 14 June 2024, that they were unable to proceed with any submission to the Tribunal in time and would commence paying the increase by 1 June 2024.
8. As none of the Respondents have provided a Statement in Response setting out their reasons for opposing the proposed new pitch fees in accordance with paragraph 3 of the Directions Order dated 10 April 2024, they are now automatically barred from taking further part in these proceedings and the Tribunal need not consider any further response or other submission made by them. Accordingly, the Tribunal summarily determines all issues against them (Rule 9(8) of the Rules).

Decision

9. The Tribunal finds that the statutory presumption set out in paragraph 20 of the Act applies and that the pitch fees are to increase by 4.6% as at the date detailed in the Notice, being 1 January 2024.
10. Accordingly, the Tribunal determines that:
 - The pitch fee for 25 Oak Tree Farm, Juggins Lane, Earlswood, B94 5LL shall be increased from £1,833.64 per year to £1,917.99 per year, from 1 January 2024.
 - The pitch fee for 37 Oak Tree Farm, Juggins Lane, Earlswood, B94 5LL shall be increased from £1,833.64 per year to £1,917.99 per year, from 1 January 2024.
 - The pitch fee for 44 Oak Tree Farm, Juggins Lane, Earlswood, B94 5LL shall be increased from £1,833.64 per year to £1,917.99 per year, from 1 January 2024.

Appeal Provisions

11. If either party is dissatisfied with this decision they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties (Rule 52 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).

SCHEDULE

Rev and Mrs Andrews – 25 Oak Tree Farm
Mr and Mrs Downing – 37 Oak Tree Farm
Mrs Crumpton – 44 Oak Tree Farm