



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

**Case reference** : **CAM/00KC/PHC/2022/010.**

**Property** : **9 Nook Park, Willow Road, Great Harwood, Bucks, MK170QJ**

**Applicant** : **Andy Waller**

**Representative** : **Andrew Mills**

**Respondents** : **Joe Burns**

**Representative** : **In Person**

**Type of application** : **Application made pursuant to s.4 of the Mobile Homes Act 1983**

**Tribunal** : **Judge Shepherd  
Mary Hardman FRICS**

**Date of Decision** : **April 2024**

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**Decision**

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1. This is the third decision made in this case. In the first decision we found that there had been an encroachment on the Applicant's pitch and ordered the Respondent to reinstate the Applicant's pitch to its original condition replacing any trees, lawn and other items removed as a result of the works. The parties

were to agree a specification and timescale for the works within 21 days of receipt of the order. If there was no agreement at the end of this period the matter could be referred back to the Tribunal for consideration. If there was any dispute as to the Respondent's compliance with the order this could also be referred to the Tribunal who may wish to inspect the site.

2. In the second decision the Tribunal awarded the Applicant damages of £5000 plus £100 for the application fee.
3. The Applicant applied back to the Tribunal alleging that the Respondent had not complied with the order made in the first decision. He said that the Respondent was continuing works on the site. In addition it was stated that the Respondent had refused to provide a warranty on reinstatement works. For his part the Respondent said he had complied with the order. He'd paid the compensation and some progress had been made in seeking to agree works save that there remained a dispute as to the new road which the Applicant wanted it removed which was not possible. There is some evidence of negotiations taking place between the Respondent's barrister and the Applicant.
4. The Tribunal inspected the site and conducted a further hearing on 13<sup>th</sup> December 2023. The Tribunal's impression on inspection was that the Applicant had taken steps to reinstate the site as best he could [ The condition of the site was much improved with areas turfed and road surfaces nearing completion. Much of the trenching had gone and the heras fencing panels which had virtually enclosed 9 Nook Park had been removed.
5. Mr Mills said at the hearing that trees had been removed from the front of the pitch and could not be replanted although the Respondent said they could be as there was sufficient room. Mr Mills said the road at the rear needed to be removed. He did accept that grass had been reinstated. Indeed, he accepted that a number of items had been attended to but remained unhappy. The Respondent said he had carried out works to reinstate the site. He said that lighting had been improved and many of the changes instigated would improve things for the residents.

### **Determination**

6. We consider that the Respondent has taken steps through his barrister to seek to agree works that are necessary to reinstate the site. We also accept that some works have been carried out albeit not to the Applicant's satisfaction. It is not reasonable for the Applicant to require a warranty or the employment of a landscape architect. Overall, we find it difficult to determine what else the Respondent could do to comply with the previous order. The real stumbling block appears to be the new road at the rear of the plot. This road serves a purpose in the site improvements. It would not be reasonable for the Respondent to have to remove the road or reduce its size.

7. The Applicant has been compensated for the encroachments identified in the first decision. We do not intend to make any further orders in this case as it stands but we would encourage the parties to continue to work together to mend relationships and to achieve an outcome which is in the interests of all parties.

Judge Shepherd

20<sup>th</sup> April 2024

## RIGHTS OF APPEAL

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the

First-Tier Tribunal at the Regional office which has been dealing with the case.

2. The application for permission to appeal must arrive at the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. 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 for not complying with the 28 day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.