



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

Case reference : CHI/29UK/PHI/2023/0037

Property : 20 Wickens Meadow Park, Rye Lane,
Dunton Green, Sevenoaks, Kent, TN14 5JB

Applicant : Wyldecrest Parks (Management) Ltd

Representative : David Sunderland

Respondent : Mr Terry Payne

Representative : None

Type of application : Review of Pitch Fee: Mobile Homes Act
1983 (as amended)

Tribunal member : Regional Surveyor J Coupe FRICS

Date of Decision : 25 November 2024

DECISION

Summary of Decision

The Tribunal determines that the proposed increase in pitch fee for 20 Wickens Meadow Park, Rye Lane, Dunton Green, Sevenoaks, Kent, TN14 5JB is reasonable and determines a pitch fee of £128.50 per month with effect from 1 January 2023.

Background

1. On 30 January 2023 the Applicant site owner sought a determination of the pitch fee of £128.50 per month payable by the Respondent as from 1 January 2023.
2. A Pitch Fee Review Notice dated 16 November 2022 was served on the occupier proposing to increase the pitch fee by an amount which the site owner says represents only an adjustment in line with the Retail Price Index.
3. On 3 July 2023 the Tribunal issued a Notice that it was minded to strike out the application in accordance with Rule 9(2)(a) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 on the grounds that it did not have jurisdiction in relation to the proceedings. The parties were given an opportunity to make representations.
4. On 31 August 2023 the Tribunal stayed this application pending an appeal decision from the Upper Tribunal relating to pitch fee applications at another site.
5. Following determination of that matter by the Upper Tribunal the stay in this application was lifted and the matter brought forward for determination. Directions for the conduct of the case were issued.
6. The Tribunal directed the application to be determined on the papers without an oral hearing unless a party objected within 28 days. No objections were received from the parties.
7. The Directions provided that the application form and accompanying papers, save for the additional information requested by the Tribunal, should stand as the Applicant's statement of case.
8. The Respondent was invited to complete a reply form and prepare a statement indicating whether he agreed or disagreed with the application by 31 July 2024. However, no response was received.
9. The Applicant's Reply dated 1 August 2024 includes a description of the process followed and an application for the reimbursement of the application fee of £20.00 under Rule 13(2).

Consideration

10. Wickens Meadow Park is a protected site within the meaning of the Mobile Homes Act 1983 ("the 1983 Act"). The definition of a protected site in Part 1 of the Caravan Sites Act 1968 includes a site where a licence would be

required under the Caravan Sites and Control of Development Act 1960 if the exemption of local authority sites were omitted.

11. The Respondents' right to station his mobile home on the pitch is governed by the terms of his Written Agreement with the Applicant and the provisions of the 1983 Act.
12. The Applicant served the Respondent with the prescribed form proposing the new pitch fee on 16 November 2022, which was more than 28 days prior to the review date of 1 January 2023. The application to the Tribunal to determine the pitch fee was made on 30 January 2023 which was within the period starting 28 days to three months after the review date. The form indicated that the Applicant had applied the RPI of 14.2 percent, applying the mid October 2022 figure .
13. The Tribunal is satisfied that the Applicant has complied with the procedural requirements of paragraph 17 of Part 1 of Schedule 1 of the 1983 Act to support an application for an increase in pitch fee in respect of the pitch occupied by the Respondent.
14. The Tribunal is required to determine whether the proposed increase in pitch fee is reasonable. The Tribunal is not deciding whether the overall level of pitch fee is reasonable.
15. The Tribunal is required to have regard to paragraphs 18, 19 and 20 of Part 1 of Schedule 1 of the 1983 Act when determining a new pitch fee. Paragraph 20(1) introduces a presumption that the pitch fee shall increase by a percentage which is no more than any percentage increase or decrease in the RPI since the last review date and applies unless factors identified in paragraph 18 are demonstrated so that the presumption does not apply. If the presumption does apply, it may be rebutted but only by other factors which are sufficiently weighty to do so.
16. The Applicant has restricted the increase in the pitch fee to the percentage increase in the RPI and in view of the presumption referred to in paragraph 16 above and in the absence of any matters being raised which prevent that presumption applying or then go to rebut that presumption, the Tribunal finds that the proposed increase in pitch fee is reasonable.

Decision in respect of the pitch fee

17. Given the above circumstances the Tribunal determines that the proposed increase in pitch fee for 20 Wickens Meadow Park, Rye Lane, Dunton Green, Sevenoaks, Kent, TN14 5JB is reasonable and determines a pitch fee of **£128.50 per month with effect from 1 January 2023.**

Costs

18. The Tribunal may make an order requiring a party to reimburse to any other party the whole or part of the amount of any fee paid by the other party (which has not been remitted) pursuant to Rule 13(2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.

19. Given the Respondent's failure to engage with these proceedings the Tribunal is minded to order the Respondent to reimburse the Applicant with the Tribunal application fee of £20.00. This order will take effect unless the Respondent makes representations in writing to the Tribunal, copied to the Applicant, on why he should not reimburse the fee by **10 December 2024**.

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 by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at 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.