



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

Case Reference	: CHI/18UH/PHI/2024/0332 -0335, 339 - 442 and 344 – 347.
Property	: 1 ,2, 4, 5, 9, 10, 11, 12, 14, 16, 17 and 18 Haldon Ridge, Kennford, Exeter EX6 7XA.
Applicants Representative	: Teignbridge District Council : Cobb Warren (Solicitors)
Respondent	: The occupiers of the twelve pitches listed above
Type of Application	: Review of Pitch Fees. Mobile Homes Act 1983 (as amended) (the Act)
Tribunal Members	: Judge C A Rai
Date type and venue of Hearing	: 6 February 2025 Decision on the papers without a hearing Rule 31 of The Tribunals Procedure (First - tier Tribunal) (Property Chamber) Rules 2013 (the Rules)
Date of Decision	: 17 February 2025

DECISION

1. The Tribunal determines that the weekly Pitch Fees payable by the Respondent from Monday 1 April 2024 are as follows:-

Pitch	Occupier	Pitch Fee
1 Haldon Ridge	Natalie Sweet	76.34
2 Haldon Ridge	Demelza Annison	84.61
4 Haldon Ridge	Ross Broadhead	72.53
5 Haldon Ridge	Kieran Blockley	72.53
9 Haldon Ridge	Megan Thompson	72.53
10 Haldon Ridge	Gillian Rowson	72.53
11 Haldon Ridge	Emily Barrat	86.73
12 Haldon Ridge	Bonnie Beasley	72.53
14 Haldon Ridge	Rebecca Daniels	72.53
16 Haldon Ridge	Poppy Dunlop	96.70
17 Haldon Ridge	Yasmine Barratt	96.70
18 Haldon Ridge	Tracey Cuthbert	96.70

2. The reasons for the tribunal's decision are set out below.
3. The Applicant made several applications to the tribunal on 24 June 2024. These included applications in respect of the pitches occupied by the Respondent and four other pitches.
4. With each application the Applicant attached copies of:-
 - a. A statement of truth from an employee who was a member of its property management.
 - b. The occupiers written statement (occupation agreement).
 - c. The pitch fee review notice and the letter explaining the reasons for the proposed increase sent with it.
 - d. A certificate of service of the notice.
5. The tribunal issued directions dated 30 October 2024. It directed that:-
 - a. the applications were suitable for determination on the papers, and
 - b. the application would stand as the Applicant's statement of case.
6. Attached to the tribunal directions was a form inviting the Respondent to document its objections to the proposed increase, provide copies of any statements or documents on which it wished to rely and if desired, appoint a joint representative to make a collective statement.
7. The Applicant was directed to compile a determination bundle and send it to the tribunal by a particular date.
8. The bundle received by the tribunal contains 577 pages and included contains copies of withdrawal applications for Pitches 7,8 and 9 [570 - 575] and a completed response form signed by Tim Wilson, the occupier of Pitch 13, confirming that he does not object to proposed increase in his pitch fee [576]. Since Mr Wilson has agreed the increase to his pitch fee, this Tribunal has not made a determination in respect of Pitch 13.
9. References in this decision to numbers in square brackets are to the pdf numbered pages in the bundle.
10. Whilst the tribunal has read and considered the content of the bundle it has not referred to every piece of evidence it has reviewed. This decision is intended to provide the parties with reasons which are proportionate both to the resources of the tribunal, the significance and complexity of the issues before and which explain how and why the tribunal reached its conclusions.

Submissions and evidence

11. This application has been determined on the papers in the bundle without a hearing. Neither party requested an oral hearing. The Tribunal has not inspected the park which is a protected site located in England and subject to the provisions of the Act.

12. The bundle contains copies of the 12 applications in respect of which the Applicant now seeks determinations. The Respondent has not submitted any statements or evidence with regard to the remaining unresolved applications.
13. The Applicant has provided copies of the written statements, letters sent with the pitch fee review notice and the notice, (in the prescribed form), and a statement from an employee, with responsibility for managing the park, explaining why the Applicant sought the increase. It has also supplied copies of the certificates of service dated 1 March 2024 for each Respondent.
14. Paragraph 6 of Part 2 of the of the written statement states that the pitch fee will be payable weekly in advance. Paragraph 7 refers to the pitch fee being reviewed annually on the first Monday of every April [21].
15. There is no dispute between the parties regarding the validity of the notices. No complaint has been made by the Respondent that the notices were not validly served.

The Law

16. All agreements to which the Act applies incorporate standard terms implied by the Act. Those that apply to protected sites in England are contained in Chapter 2 of Part 1 of the Schedule to the Act. The principles governing an increase in pitch fees are in paragraphs 16 to 20.
17. A review of the pitch fee can be undertaken annually by the park owner on the review date. (Paragraph 17(1)). The owner must serve a written notice on the occupier setting out its proposals in respect of the new pitch fee. That notice must be sent at least 28 clear days before the review date.
18. Paragraph 16 of Chapter 2 of Schedule 1 to the Act provides that the pitch fee can only be changed in two ways:-
 - a. with the agreement of the occupier of the pitch, or
 - b. if the Tribunal, on the application of the owner or occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee.
19. If the pitch fee review notice is served before the review date and the pitch fee is agreed by the occupier, it will be payable from the review date. If the occupier does not agree, the owner can apply to the tribunal for an order determining the amount of the new pitch fee, which will be determined in accordance with paragraph 16(b). The occupier will continue to pay the current pitch fee until such time as the new pitch fee is agreed by the occupier or an order is made. The new pitch fee will be payable from the review date, but the occupier will not be treated as being in arrears until the 28th day after the date on which the new pitch fee is either agreed or the tribunal makes an order determining it.

20. The written notice will be of “no effect unless it is accompanied by a document which complies with paragraph 25A”.
21. Paragraph 25A provides that the notice must
 - a. be in the form now prescribed by The Mobile Homes (Pitch Fees) (Prescribed Form)(England) Regulations SI 2023/620,
 - b. specify the percentage change in the CPI used to calculate the review,
 - c. explain the effect of paragraph 17,
 - d. specify the matters to which the new pitch fee is attributable,
 - e. refer to the owners obligations in paragraphs 22(e) and (f) as glossed by paragraphs 24 and 25 (this relates to consultation about improvements with owners and any qualifying residents association)
22. Paragraph 20 of Chapter 2 of the Act is the starting point for the Tribunal’s jurisdiction when considering what order, it should make. That paragraph provides that, unless this would be unreasonable, there is a presumption that a pitch fee will increase, or decrease, in line with the change in CPI during the last 12 months.
23. The pitch fee review date is 1 April 2024. CPI has increased by 4.0% during the relevant 12 month period. No Respondent to these applications has objected to the CPI percentage applied or the calculation of the increase in its pitch fee using the identified percentage.

Reasons for the Tribunal’s decision

24. The Tribunal starts its determination in reliance on the presumption that the pitch fee cannot change by more than the annual change in the CPI.
25. The Applicant has referred to the January 2024 CPI index on the pitch fee review forms (which is the last published index figure on the date of the pitch fee review).
26. The Applicant has provided evidence as to why that increase is reasonable, referring to its increased management costs since the date of the last review [97].
27. The Applicant’s letter which accompanied each pitch fee review notice contained a breakdown of the services which the pitch fees funded but also said that any increase or decrease in the fees was linked to the change in the CPI since the date of the last review [35].
28. The tribunal has received no evidence from or on behalf of the Respondent.
29. It has therefore concluded that it is reasonable to apply the statutory presumption in paragraph 20 of Schedule 1 of the Act.
30. The tribunal determines that it is reasonable for the pitch fees to increase in line with the relevant increase in CPI.

31. The tribunal makes an order that the weekly pitch fees payable from 1 April 2024, for the 12 pitches which are the subject of this application are set out in paragraph 1 above.

Judge C A Rai

Appeals

1. A person wishing to appeal this decision to the Upper Chamber must seek permission to do so by making written application 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. Where possible you should send your further application for permission to appeal by email to **rpsouthern@justice.gov.uk** as this will enable the First-tier Tribunal to deal with it more efficiently.
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.