



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

**Case Reference** : **BIR/17UK/PHI/2024/0054**

**Property** : **22 Weston Hill Park, Bridge Lane, Weston on Trent, Derbyshire DE72 2BU**

**Applicants** : **Mr M MA White & Mr M MT White**

**Representative** : **Mr D Sunderland**

**Respondent** : **Mr E Thompson**

**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 property**

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

**Date of Decision** : **14 March 2025**

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**DECISION**

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## **BACKGROUND**

1. On 20 June 2024, Messrs White ('the Applicants') made an application under paragraph 16 of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 ('the Act') for determination of a new level of pitch fee, effective from 1 April 2024, for the premises known as 22 Weston Hill Park, Bridge Lane, Weston on Trent, Derbyshire, DE72 2BU ('the Property').
2. The Applicants are the site owners of Weston Hill Park, Bridge Lane, Weston on Trent, Derbyshire, DE72 2BU ('the Site') and Mr Thompson ('the Respondent') is the occupier of the Property.
3. Directions were issued by the Tribunal on 24 July 2024. In the Directions Order, the Tribunal drew the attention of the Respondent to the Pitch Fee Review Form issued by the Applicants and, in particular, to the statutory presumption (in paragraph 20 of Chapter 2 of Part 1 of Schedule 1 to the Act) 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 Act.
4. The Respondent was directed that, if he did not agree to the proposed new pitch fee, to send to the Applicants, and to the Tribunal, a Statement in Response, setting out in full his reasons for opposing the same. The Tribunal indicated that, if the Respondent failed to send a Statement in Response, he might be deemed to have no objection to the proposed new pitch fee.
5. No Statement in Response was received from the Respondent by the specified deadline, although the Tribunal received a statement in Reply from the Applicants, on 30 August 2024, in which the Applicants requested an order under Rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ('the Rules') for reimbursement of the application fee of £22.00.
6. On 6 February 2025, the Tribunal issued a further Directions Order. The Respondent was warned that, unless he either confirmed to the Tribunal that he agreed to the proposed pitch fee or provided a Statement in Response, he would be automatically barred from taking further part in these proceedings under Rules 9(1) and (7)(a) of the Rules.
7. As the Respondent has failed to provide any response to the Tribunal, in accordance with paragraph 7 of the Directions Order dated 6 February 2025, he is now automatically barred from taking further part in these proceedings and the Tribunal need not consider any further response or other submission made by him.
8. Consequently, the Tribunal summarily determines the substantive decision with regard to the pitch fee against him (Rule 9(8) of the Rules).

### **Tribunal's Decision on Pitch fee**

9. The Tribunal finds that the statutory presumption set out in paragraph 20 of the Act applies and that the pitch fee is to increase by 4% as at the date detailed in the Notice, being 1 April 2024.
10. Accordingly, the Tribunal determines that the pitch fee for the Property **shall be increased** from £150.20 per month to £156.21 per month, from 1 April 2024.

### **Tribunal's Decision on Rule 13(2) Application**

11. The Tribunal can, on its own initiative or on the request of a party, under Rule 13(2) "*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...*". In this matter, the Applicants had paid an application fee of £22.00.
12. The pitch fee can only be changed under paragraph 16 of Chapter 2 of Part 1 of Schedule 1 to the Act by agreement or by application to the tribunal. As stated above, that application was made by the Applicants on 20 June 2024 and directions were issued by the Tribunal on 24 July 2024 and 6 February 2025.
13. At no point has the Tribunal received any response from the Respondent to its directions.
14. As the Tribunal finds that the Applicants had no alternative but to make an application to the tribunal and as, in this matter, the Respondent has failed to comply with directions, the Tribunal finds it appropriate to make an order under Rule 13(2).
15. According, the Tribunal **orders** the Respondent to reimburse to the Applicants the application fee of £22.00.

### **Appeal Provisions**

16. 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).

M K GANDHAM

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Judge M K Gandham