



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

**Case reference** : **MAN/32UH/PHI/2023/0417**

**Property** : **161 Stonecliff Park, Prebend Lane, Welton, Lincoln  
LN2 3JS**

**Applicants** : **Stonecliff Park LLP**

**Respondents** : **Mr Robert Douglas and Miss Barbara Stubbs**

**Type of  
Application** : **Mobile Homes Act 1983 - Schedule 1 Chapter 2  
paragraph 16.**

**Tribunal  
Members** : **Tribunal Judge S Moorhouse LLB  
Mr IR Harris BSc FRICS MBE**

**Date of Decision** : **14 November 2024**

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**DECISION**

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## DECISION

1. Pursuant to the Mobile Homes Act 1983, Schedule 1, Chapter 2, paragraph 16, the tribunal Orders that the pitch fee for the Property shall be increased at the review date of 30 September 2023 by 3.4%. This represents 50% of the CPI increase provided for at paragraph 20A1 of Chapter 2, as amended by the Mobile Homes (Pitch Fees) Act 2023.
2. In accordance with paragraph 17(4)(c) of Chapter 2 the new pitch fee shall be payable from the review date of 30 September 2023 but the Respondents shall not be treated as being in arrears until the 28th day after the date of this Order.

## REASONS

### The Applications

3. The Application was made by Stonecliff Park LLP ('the Applicant') on 31 October 2023. The Respondents are the occupiers of the park home known as 161 Stonecliff Park, Prebend Lane, Welton, Lincoln LN2 3JS ('the Property').
4. The Application concerned the 6.8% increase in the pitch fee sought by the Applicant in relation to the review date of 30 September 2023. Previous pitch fee reviews in relation to the Property had been agreed and noted in writing by way of endorsement to the agreement. The Applications sought an Order confirming the amount of the new pitch fee under paragraph 16(b), Chapter 2, Schedule 1 to the Mobile Homes Act 1983 ('the 1983 Act').
5. Directions were issued on 8 February 2024 pursuant to which a written statement and accompanying documents were submitted by the Respondents. Directions included provision for a reply by the Applicant however none was submitted. The Applicant had previously stated that full information had been submitted to HMCTS with the original documents.
6. The Applicant was content for the Application to be determined on the papers and the Respondents did not request a hearing. Neither party requested that the tribunal carry out an inspection. In these circumstances, having received from the Applicant the Application and accompanying documents, having received a written submission by the Respondents including photographic evidence, and having regard to Rules 3 and 31 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal considered it to be in the interests of fairness and justice to proceed by way of paper determination with no inspection.

### The Law

7. Paragraph 16, Chapter 2, Schedule 1 to the 1983 Act provides that a pitch fee can only be changed by agreement of the occupier, or if a tribunal, on the application of the owner or the occupier, considers it reasonable for the pitch fee to be changed and makes an order confirming the amount of the new pitch fee.
8. Paragraph 20A1 of Chapter 2, as amended by the Mobile Homes (Pitch Fees) Act 2023 ('the 2023 Act') provides: *'Unless this would be unreasonable having regard to paragraph 18(1), there is a presumption that the pitch fee shall increase or decrease by a percentage which is no more than any percentage increase or decrease in the*

*consumer prices index...*' The paragraph (as amended) goes on to define a method for calculating an increase by reference to CPI.

9. Paragraph 18(1) of Chapter 2 sets out the factors to which particular regard must be had in accordance with paragraph 20A1.
10. Sub-paragraph (a) relates to improvements by the owner which have been the subject of consultation and to which a majority of the occupiers have not disagreed in writing and which the tribunal orders, on the application of the owner, should be taken into account when determining the amount of the new pitch fee. The Applicant did not seek an Order that any particular sums expended in accordance with sub-paragraph (a) be taken into account.
11. Sub-paragraph (ba) relates to the direct effect on the costs payable by the owner in relation to the maintenance or management of the site of an enactment which has come into force since the last review date. Whilst the Applicant ticked a box on the application form to indicate there had been such an enactment, no specific enactment was identified nor did the Applicant identify any increase in costs attributable to any such enactment. Sub-paragraph (ba) was not therefore relevant to the tribunal's determination.
12. Sub-paragraph (aa) provides that particular regard should be had to '*any deterioration in the condition, and any decrease in the amenity, of the site or any adjoining land which is occupied or controlled by the owner since the date on which this paragraph came into force (in so far as regard has not previously been had to that deterioration or decrease for the purposes of this sub-paragraph)*'.
13. Sub-paragraph (ab) provides that particular regard should be had to '*any reduction in the services that the owner supplies to the site, pitch or mobile home, and any deterioration in the quality of those services, since the date on which this paragraph came into force (in so far as regard has not previously been had to that reduction or deterioration for the purposes of this sub-paragraph)*'.

## **Issues**

14. The Respondents explained in their statement that they objected to the increase in pitch fees because the site had seen no improvement or overall maintenance since they moved in almost 6 years previously. Apart from the hedges around one car park and the gas storage tanks area it was submitted that the rest of the site had been left to nature. Specific examples of alleged deterioration and lack of maintenance were put forward, with photographic evidence in support.

## **Determination**

15. The tribunal finds the following deterioration in condition and decrease in amenity of the site (within the meaning of paragraph 18(1)(aa), Chapter 2, Schedule 1 to the 1983 Act) prior to the review date of 30 September 2023:-
16. Vegetation had become overgrown on the vacant plots, was partially obstructing roadways and was impeding a walkway into the communal garden. The area surrounding the now unused Park Office had become an eyesore owing to lack of maintenance and rubbish overflowing or stored alongside wheelie bins. Within the roadways the seams in the tarmac were starting to break down and beside roadways grit bins had not been maintained and had become unusable owing to rubbish and

crystallised salt. Maintenance/repairs to a wall at the site entrance had not been carried out.

17. The tribunal found that none of the deterioration in condition or decrease in amenity referred to in the preceding paragraph had been taken into account in a previous pitch fee review by the parties. These had all been agreed and neither party claimed that there had been a deduction from the index linked increase in years prior to 2023 on account of any such matter.
18. The increase in pitch fees of 6.8% sought in relation to the review date of 30 September 2023 has been calculated by the Applicant by reference to paragraph 20A1, Chapter 2, Schedule 1 to the 1983 Act as amended by the 2023 Act. The calculation of this percentage was not challenged by the Respondents.
19. In view of the tribunal's findings concerning deterioration in condition and decrease in amenity the tribunal considered that it would be unreasonable within the meaning of paragraph 20A1 of Chapter 2, Schedule 1 to the 1983 Act (as amended by the 2023 Act) for the presumption of a CPI increase to apply.
20. Having determined there to be no presumed CPI increase the tribunal considered whether it would be reasonable for the pitch fee to be changed, and if so the change to be applied. The pitch fee is not specifically a charge for management or maintenance services, rather it is in consideration of the use by the Respondents of their plot. It is not in issue that the Respondents have had the use and enjoyment of the plot itself and therefore in principle it is reasonable for there to be an increase on account of inflation. However having found significant deterioration in the condition of the site and decrease in amenity the tribunal considered that it would not be in the interests of fairness and justice for a full CPI increase to apply to the pitch fee at the review date of 30 September 2023. The tribunal determined, in the light of its findings, that an increase of 50% of this would be fair and just.
21. The tribunal Orders therefore that the pitch fee for the Property shall be increased at the review date of 30 September 2023 by 3.4%. This represents 50% of the the CPI increase provided for at paragraph 20A1 of Chapter 2, Schedule 1 to the 1983 Act (as amended by the 2023 Act).

## **S Moorhouse**

Tribunal Judge