



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

Case Reference : **CHI/24UD/PHI/2024/0281**

Property : **C7, Oaktree Caravan Site,
SO30 3HR**

Applicant : **Donald Maille Currie**

Respondent : **Pratt Developments**

Type of Application : **Review of Pitch Fees**

Tribunal Members : **Judge Dovar
Mr Cotterell FRICS
Ms Wong**

**Date of Hearing
and Venue** : **17th April 2025, Havant**

Date of Decision : **23rd April 2025**

DECISION

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1. This is an application dated 16th May 2024, for the determination of the level of a new pitch fee at the above address under the Mobile Homes Act 1983 ('the Act').
2. The Tribunal has had regard to paragraphs 16 to 20 of Chapter 2 of Part 1 of Schedule 1 to the Act and on the evidence presented to it was satisfied that the formalities for the pitch review had been adhered to, namely that the correct written notice proposing a new pitch fee was served at least 28 days before the review date. The validity of the notice was also the subject of an earlier decision of this Tribunal dated 15th January 2025.
3. The written statement specifies a review date of 1st January in each year. Written notice dated 15th November 2023 was served on the Applicant suggested an increase from £287.15 to £300.36 per month. The Respondent has claimed an increase in line with the relevant CPI, being 4.6%.
4. The Applicant did not challenge the notice provisions, nor the CPI asserted. The Tribunal has therefore approached this matter on the basis that given the rise in CPI a 4.6% rise is warranted, unless the Tribunal considers that the matter raised by the Applicant should be reflected in a reduction in that increase.
5. The Applicant objected to the increase on the basis on the basis of:
 - a. Deterioration with trees and hedges due to a general lack of maintenance on the site as a whole as well as issues around his borders;
 - b. Problems with potholes in the roads leading to the pitch again due to lack of maintenance on the site as a whole. A particular issue arose because a tree was felled by the Respondent which caused a pothole in the road outside his pitch. However, this occurred around 5 year ago;
 - c. Difficulties he faces with payment;
 - d. A concern that this will drive down the value of his home;
 - e. Issues with a water meter buried under his lawn;
 - f. An electrical substation next to his home;
 - g. There are residents who pay less, but with bigger better homes.
6. In response Mr Vacher for the Respondent pointed out that the complaint about the tree and the pothole were stale in that they occurred 5 years ago and since then pitch fee renewals have been agreed. He also said that in the last 5-6 months around £10-15,000

has been spent on resurfacing the roads and pavements. He did not comment on the other matters raised.

7. In determining the level of a new pitch fee, the Tribunal must have regard to paragraphs 16 to 20 of Part 1 of the Schedule 1 of the Act.
8. Paragraph 20(A1) provides a presumption that any change in pitch fee, will be in line with CPI, unless this would be unreasonable having regard to paragraph 18(1).
9. Paragraph 18(1) sets out a range of matters to which particular regard shall be had, including:
 - a. any deterioration in the condition of or decrease in the amenity of the site since 1st October 2014 (being the date when that provision came into force) or if later the date when regard was last had to that factor; and
 - b. any reduction in services supplied or deterioration in the quality of those services since 1st October 2014 (again the date when the provision came into force) or if later the date when regard was last had to that factor.
10. In the absence of agreement for the new pitch fee, the Tribunal will only allow it to be altered if it considers that alteration to be reasonable. Further, if it considers that that the fee should be changed, it should have regard to the factors set out in paragraph 18(1) and the presumption in paragraph 20 as to the extent of the increase (or decrease). The presumption provides a limit. There is no entitlement to such an increase, but a change in CPI in the previous 12 months provides a strong indication that it would be reasonable to change the pitch fee by that amount.
11. Amenity is an issue that can be taken into account in determining the level of pitch fee. Whilst there is a presumption that the pitch fee should increase by CPI, if the amenity has worsened, that is a reason for suppressing any increase.
12. In this case, some of the complaints by the Applicant do show that the amenity has worsened and therefore warrant such a suppression, in particular the lack of maintenance with trees, hedges and the potholes. Mr Currie painted a rather poor picture of the maintenance of the site as a whole and the impact it had on access to his home as well as the issues it caused to his garden. This is to some extent confirmed by the more recent works which have been undertaken, but which post date the period in review. The implication being that the roads were in a poor state of repair, there being no suggestion that there was any annual maintenance programme. Further the Respondent did not seek to deny that until then, there had been a general lack of maintenance. As a result of those issues, the Tribunal considers that a rise of 2% is justified, rather than the 4.6% claimed.

13. The Tribunal does not consider that the other factors justify an adjustment. That the Applicant relative pitch size to others on the site, is not relevant to an increase in line with CPI in that: a.) that is an index linked adjustment; and b.) the factors that would justify an adjustment to CPI are specifically those relating to the amenity and services on the site as a whole, not the comparison to payment for other sized pitches. The other factors are not new and do not justify a change, that includes the specific issue with the pothole raised by Mr Currie as that predated the period under review.
14. The Tribunal therefore determine that the pitch fee should be increased to £292.89 per month with effect from 1st January 2024.

Judge Dovar

Appeals

A person wishing to appeal this decision to the Upper Tribunal (Lands 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.

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.

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.

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.