



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

Case Reference : **CAM/38UB/PHI/2024/0609**

HMCTS : **Inspection & Hearing**

Site : **Duvall Park Homes, Heyford leys, Upper Heyford
OX25 5LX**

Park Home Address : **96 Duvall Park Homes, Heyford leys, Upper
Heyford OX25 5LX**

Applicant : **Mr Liberty Durant**

Respondent : **Mrs Rita Heyworth**

Type of application : **Application under Mobile Homes Act 1983 to
determine a pitch fee**

Tribunal : **Judge JR Morris
Mrs S Redmond BSc (Econ), MRICS**

Date of Application : **27 June 2024**

Date of Directions : **7 January 2025**

Date of Hearing : **20 May 2025**

Date of Further Directions : **29 May 2025**

Date of Decision : **18 July 2025**

Date of Supplementary Decision : **7 August 2025**

SUPPLEMENTARY DECISION

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Decision

1. In line with its Decision of 18 July 2025 and pursuant to section 231A(e) of Housing Act 2004, the Tribunal directs that the overpayment of the pitch fee for the period 1 April 2024 to 31 March 2025 of £683.04 by the Respondent shall be reimbursed by the Applicant to the Respondent within 48 days after the Tribunal sends this Decision.

Reasons

Introduction

2. The Applicant, who is the Site Owner applied on 27 June 2024 for a determination of the pitch fee payable by the Respondents who are the owners of a Home that is sited on pitch 96 Duvall Park which they Occupy.
3. The Tribunal accepted the oral and written statements and evidence of the Respondent and found that the Applicant omitted to serve a Pitch Fee Review Form on the Respondent and decided that the pitch fee reviews for 1 April 2018 to 1 April 2023 are invalid and the current pitch fee, which should have been used to calculate the proposed increase for the 1 April 2024 review is £185.00 per month.
4. The Tribunal determined that this resulted in an overpayment by the Respondent over this six-year period of £1,830.60 and pursuant to section 231A(e) of Housing Act 2004 the Tribunal directed that the sum be paid by the Applicant to the Respondent within 48 days after the Tribunal sends this Decision.
5. The Tribunal found that the 1 April 2024 pitch fee review was valid in that it complied with the legislation in the documents provided. The percentage calculation based on the CPI was also correct. Following the Tribunal's decision regarding the previous reviews the current pitch fee was incorrect. The Tribunal found that this did not invalidate the review. The Tribunal decided that what is stated as the current pitch fee on the form should be replaced by the current pitch fee determined by the Tribunal which is £185.00 per month.
6. The Tribunal determined that an increase in line with inflation was warranted and that this should be in accordance with the presumption in paragraph 20 (A1) of the Implied Terms of the Written Statement of Agreement set out in Chapter 2 of Part 1, of Schedule 1 of the Mobile Homes Act 1983. Therefore, the corrected current pitch fee of £185.00 is increased by 4% being an increase of £7.40 which gives a new pitch fee for 96 Duval Park of £192.40 per month to take effect on the Review Date on 1 April 2024.
7. The Tribunal therefore determined that the pitch fee that the Site Owner should have proposed in line with the presumption in paragraph 20 is 4% of £185.00 per month which is an increase of £7.40 per month giving a new pitch fee of £192.40 per month.
8. Notwithstanding the Respondent's refusal to pay the new pitch fee, due to previous overpayments and the Tribunal's determination being on 18 July 2025, the Respondent had already paid a pitch fee of £249.32 per month for that year, which is £56.92 per month more than the £192.40 determined. Therefore, the Respondent had over paid £683.04 up to 31 March 2025.
9. The Respondent submitted that the Tribunal should make a Direction pursuant to section 231A(e) of Housing Act 2004 that the overpayment of the pitch fee for the period 1 April 2024 to 31 March 2025 of £683.04 paid by the Respondent should be reimbursed by the Applicant.

10. A tribunal's determination in respect of a pitch fee review on a site owner's application made within the year of review does not normally require a direction for reimbursement as an adjustment is made during that year. However, in the present circumstances this is not practicable.
11. Therefore, the Tribunal in line with its Decision of 18 July 2025 and pursuant to section 231A(e) of Housing Act 2004 the Tribunal directs that the overpayment of the pitch fee for the period 1 April 2024 to 31 March 2025 of £683.04 by the Respondents shall be reimbursed by the Applicant to the Respondent within 48 days after the Tribunal sends this Decision.
12. The Respondents also referred to the review of 1 April 2025. The Decision of the Tribunal related to the Application of the Site Owner for a determination of the pitch fee of the Review of 1 April 2024. The Tribunal cannot consider future reviews.

Judge JR Morris

Appendix – Right of Appeal

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional Office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e., give the date, the property, and the case number), state the grounds of appeal, and state the result the party making the application is seeking.