



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

Case reference : **HAV/43UL/PHI/2025/0671**

Property : **23 Kingsmead, Elstead Park, Elstead,
Surrey, GU8 6DZ**

Applicant : **Turners Regency Parks Limited**

Representative : **None**

Respondent : **Mr Hughes & Mrs Owen**

Representative : **None**

Type of application : **Review of Pitch Fee: Mobile Homes act
1983 (as amended)**

Tribunal members : **R Waterhouse FRICS**

Venue : **Determination on papers**

Date of decision : **2 October 2025**

DECISION

BACKGROUND

1. On 17 March 2025 the Tribunal received an application for the determination of a pitch fee increase to £231.80 per month payable by the Respondent from 1 January 2025.
2. A Pitch Fee Review Notice dated 21 November 2025 [sic] was served on the occupier proposing to increase the pitch fee by an amount which the site owner says represents only an adjustment in line with the Consumer Prices Index. The Tribunal has interpreted this as 21 November 2024 as being the most rational explanation of what must be a typographical error. This interpretation was identified in the earlier Directions.
3. Directions were issued on 23 June 2025 setting a timetable for the exchange of documents preparatory to a determination on the papers.
4. The Tribunal notes the directions required the Applicant to submit evidence supporting the CPI increase. The Directions also made reference to a typing error in the pitch fee form that was sent and the difference in name of the applicant that has been submitted. No further correspondence has been received from the Applicant.
5. The Tribunal also notes there has been no response from the Respondent to this application at any stage of the proceedings.
6. Neither party has requested an oral hearing, the Directions at paragraph 20 determined the matter would be dealt with on the papers.

The Law

7. The relevant law is set out in the Mobile Homes Act 1983 (as amended) (“the Act”).
8. Section 1(1) of the Act provides as follows:
 - (1) This Act applies to any agreement under which a person (“the occupier”) is entitled –
 - (a) To station a mobile home on land forming part of a protected site; and
 - (b) To occupy the mobile home as his only or main residence.
9. The Tribunal derives its jurisdiction to determine disputes in these matters by virtue of Section 4(1) of the Act which states as follows:
 - (1) In relation to a protected site a tribunal has jurisdiction –

(a) To determine any question arising under this Act or any agreement to which it applies; and

(b) To entertain any proceedings brought under this Act or any such agreement, Subject to subsection (2) to (6)

10. Under the Act, terms are implied into all agreements to which the Act applies. Those implied terms are set out in Chapter 2 of Part 1 of Schedule 1 of the Act.

11. The relevant terms for the purposes of a pitch fee review are set out at paragraphs 16-20 of that part of the Schedule. In summary, a review of a pitch fee is governed by three statutory principles:

- The pitch fee can only be changed either with the agreement of the occupier or by determination by the Tribunal;
- The pitch fee shall be reviewed annually as at the review date;
- A presumption that the fee will increase or decrease in line with the variation in the Retail Price Index (now CPI).

12. Paragraph 16 states that a pitch fee can only be changed in accordance with paragraph 17, either –

(a) With the agreement of the occupier, or

(b) If the appropriate judicial body, on the application of the owner or the occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee.”

13. Paragraph 17(4)(a) states that where the occupier does not agree to the proposed new pitch fee “the owner [or . . . the occupier] may apply to the [appropriate judicial body] for an order under paragraph 16(b) determining the amount of the new pitch fee.”

14. Paragraph 17(5) provides that “An application under subparagraph (4)(a) may be made at any time after the end of the period of 28 days beginning with the review date [but . . .] no later than three months after the review date].

15. Paragraph 18 requires the Tribunal, in determining the new pitch fee, to have regard to particular factors:

- Any sums expended by the site owner since the last review date on improvements;
- Any deterioration in the condition and any decrease in the amenity of the site;

Any reduction in the services provided by the site owner and any deterioration in the quality of those services;

- Any legislative changes affecting costs.

Determination

16. The determination took place on the papers without a hearing.

17. The Tribunal is mindful of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. Rule 3, where the overriding objective and parties' obligation to co-operate with the Tribunal.

18 The Directions noted at paragraph 5 that “No written agreement has been sent with the application; we therefore have no evidence as to the proper review date. If the Respondent seeks to challenge the review date, they must raise this within their statement of case.”

19. The Directions at paragraph 15 state “The application and supporting documents shall stand as the Applicants statement of case. At paragraph 16 “In addition, by 7 July 2025 the Applicant is required to provide the Respondent and the Tribunal, if not already sent, evidence supporting the CPI increase.”

20. The Application contains details of the CPI calculation submitted by the Applicant and so given the application and supporting documents standing as the applications statement of case, the Applicant has complied with the Directions.

21. The Respondent within the Directions was invited to by 14 July 2025 complete a Reply Form and if objecting to include (i) a statement outlining the objection to the proposed pitch fee, (ii) any witness statements and (iii) any documents they wish to reply upon.

22. No submissions have been received from the Respondent challenging any aspects of the Applicants case.

23. The Tribunal considered whether the statutory procedural requirements, which are a precondition to any change in a pitch fee, had been met. There was no assertion that they had not been.

24. The Tribunal found that the Notices were valid, had been given in the prescribed form, correctly referred to the change in CPI over the specified period at 2.3%, and were served more than 28 days before the review date. The Applications were also made within the specified time limits.

25. In the absence of challenge to the pitch fee increase from the Respondent, the Tribunal determines that the pitch fee payable by the Respondent from 1

January 2025 is the sum of £231.80 per month as proposed in the notice served by the Applicant.

Rights of Appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

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.

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.

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.

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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).