



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

Case Reference	: HAV/00HE/PHI/2025/0736
Property	: Meadowlands Court, Poundstock, Bude, Cornwall. EX23 0FF
Applicant	: AR (Meadowlands) Limited.
Respondent	: Michael Collins and Mary Collins
Type of Application	: Review of Pitch Fee: Mobile Homes Act 1983 (as amended) “the Act”.
Tribunal Members	: Judge C A Rai
Type of Hearing	: Decision on the papers without a hearing. Rule 31 The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013
Date of Decision	: 3 October 2025

DECISION

1. The Tribunal determines that the pitch fee shall be increased by 2.3% from 1 January 2025 (the Pitch Fee review date). The new pitch fee payable from that date is £265.09.
2. The reasons for the Tribunal’s decision are set out below.

Background

3. The Applicant applied to the Tribunal on 27 March 2025, for a determination of the pitch fee payable for 2 Honeysuckle Way, Meadowlands Court, Bude, Cornwall EX23 0FF. (the Property) from 1 January 2025 (the pitch fee review date).
4. The Applicant served the Respondent with a Pitch Fee Review Form dated 28 November 2025, which proposed a revised pitch fee of £265.09 payable from 1 January 2025. It recorded that the increase was calculated by reference to the change in the CPI in the preceding 12 months during which the CPI had increased by 2.3% [12].
5. The Tribunal issued directions to both parties, dated 11 July 2025, directing that :-
 - a. the application and supporting documents shall stand as the Applicant's case;
 - b. the Applicant provide evidence of the percentage increase in CPI used to calculate the proposed increased pitch fee.
 - c. The Respondent complete a pro forma response which was attached to the directions and send any objection to the proposed pitch fee increase with documents or statements in support of its objections.
 - d. It proposed to deal with the application without a hearing unless either party objected within 28 days.
6. The Applicant sent evidence to the Tribunal of the change to CPI by email on 19 July 2025 and sent a further email dated 7 August 2025 confirming that it had not received a response from the Respondent.
7. The Tribunal has received a bundle comprising 56 pages from the Applicant and the two emails referred to above.
8. The Respondent has not acknowledged the correspondence from the Tribunal or submitted any objection to the proposed pitch fee increase.
9. References to numbers in square brackets are to the pages of the bundle.

The Law

10. All agreements to which the Act applies incorporate standard terms implied by the Act. Those that apply to protected sites in England are contained in Chapter 2 of the Part 1 of Schedule 1 to the Act. The principles governing changes in pitch fees are set out in paragraphs 16 to 20.
11. A review of the pitch fee can be undertaken annually on the review date. (Paragraph 17(1)). The owner must serve on the occupier a written notice setting out the proposals in respect of the new pitch fee.
12. Paragraph 16 provides that the pitch fee can only be changed in two ways:-

- a. with the agreement of the occupier of the pitch, or
 - b. if the Tribunal, on the application of the owner or occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee.
- 13. If the pitch fee is agreed by the occupier, it will be payable from the pitch fee review date (17(3)). If the occupier does not agree the change in the pitch fee the owner can apply to the Tribunal for an order determining the amount of the new pitch fee which will be determined in accordance with paragraph 16(b). The occupier is liable for payment of the current pitch fee until such time as the new pitch fee is agreed by the occupier, or an order is made by the Tribunal.
- 14. The new pitch fee will be payable from the review date, but an occupier will not be treated as being in arrears until 28 days after either the date on which the new pitch fee is agreed, or the Tribunal makes an order determining it. (17(4)).
- 15. There is a time limit within which an application to the Tribunal must be submitted but the Respondent have not disputed the procedural validity of the pitch fee notices and so it is unnecessary in these proceedings for this Tribunal to say more about that.
- 16. In summary, paragraph 18 provides that on a pitch fee review “particular regard” is to be had to:-
 - c. sums expended by the owner on improvements since the last review date;
 - d. any deterioration in the condition and any decrease in the amenity of the site or adjoining land owned or controlled by the owner since 26 May 2013 “insofar as regard has not previously been had to that deterioration or decrease for the purposes of this subparagraph” ;
 - e. any reduction in, or deterioration in the quality of services supplied by the owner since 26 May 2013 to which regard has not previously been had; and
 - f. any direct effect of legislation which has come into force since the last review date on the costs payable by the owner on the maintenance or management of the site.
- 17. Paragraph 20 is the starting point for the Tribunal’s jurisdiction when considering what order it should make. That paragraph provides that **unless this would be unreasonable**, there is a presumption that a pitch fee will increase, or decrease, in line with the change in CPI during the last 12 months (Tribunal’s emphasis)
- 18. CPI increased by 2.3% during the relevant 12 month period applicable for the reviews which are the subject of these applications. Documentary evidence of the increase has been provided to the Tribunal by the Applicant.
- 19. The Tribunal can refer to paragraph 18(1) of Chapter 2 of Schedule 1 to the Act and decide if it would be unreasonable to apply the presumption.

20. The matters referred to, in relation to which the Tribunal can have particular regard include both improvements made to the site by the owner since the last review date and deterioration in the condition, and any decrease in the amenity of the site or any adjoining land occupied or controlled by the owner since the date the paragraph came into force.
21. Therefore, the presumption of the increase in the pitch fee can be displaced if anything in paragraph 18 is relevant, or if there are other factors of “sufficient weight”.
22. Case law suggests that the starting point is that the Tribunal must decide if it is reasonable for the amount of the pitch fee to change (paragraph 16(1)) but thereafter it is within its discretion to determine the increase proposed.
23. The Upper Tribunal has given guidance to this Tribunal in a number of cases. In **Britaniacrest Limited v Bamborough [2016] UKUT 144 (LC)** it identified three basic principles which it said shaped the statutory approach to pitch fee review in paragraph 19 of its decision.
24. **Firstly** the pitch fee can only be changed either (a) with the agreement of the occupier, or (b) if the appropriate judicial body, following an application by either party, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee; **secondly** if Para 17(1) is followed so the machinery for the proposed increase has been correctly undertaken on the correct dates using the prescribed form of notice; and **thirdly** when the statutory presumption has been taken into account (Para 20), and the proposed increase is in line with the change in RPI (up or down) and calculated by reference to the latest published index for the month which was 12 months before that to which the latest index relates.
25. The decision stated that “The FTT is given a very strong steer that a change in RPI the previous 12 months will make it reasonable for the pitch fee to be changed by that amount but is provided with only limited guidance on what other factors it ought to take into account” (paragraph 22). The Upper Tribunal went on to decide that the increase or decrease in RPI only gives rise to a presumption, not an entitlement or a maximum, and that in some cases, it would only be a starting point to the determination.
26. In other words, if the presumption that the change limited by RPI produced an unreasonable result, the Tribunal could rebut it. “It is clear, however, that other matters are relevant and that annual RPI increases are not the beginning and end of the determination because paragraphs 18 and 19 specifically identify matters which the FTT is required to take into account or to ignore when undertaking a review”. [Since 2 July 2023, the reference to RPI (in paragraph 18) was amended to CPI.]

Reasons for its decision

27. The Respondent has not engaged with the Applicant or the Tribunal. The Tribunal has considered the proposed increase which reflects the statutory presumption that the pitch fee shall be increased in line with the increase in CPI during the relevant preceding 12 month period prior to the pitch fee review date. It has concluded that it has no reason to displace the presumption and that the pitch fee for the Property will increase by 2.3% from the 1 January 2025. The new pitch fee payable from that date is £265.09.

Judge C A Rai.

Appeals

1. A person wishing to appeal this decision to the Upper 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.
2. 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. Where possible you should send your further application for permission to appeal by email to **rpsouthern@justice.gov.uk** as this will enable the First-tier Tribunal to deal with it more efficiently.
3. 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.
4. 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.