



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

Case Reference : **CAM/22UE/PHI/2025/0672, 0673, 0675,
0676 & 0677**

Site : **Sandy Bay Holiday Park, Canvey Island, Essex,
SS8 0EL**

**Applicants &
Park Home Addresses** : **Paul & Karen Duffield, 22 Beach Walk Road
(0672)
Pauline Oliver, 3 Beach Walk Road (0673)
Janet West, 35 Jack King Drive (0675)
Peter Mint, 37 Jack King Drive (0676)
Lara Weston, 13 Pebble Road (0677)**

Respondent : **Thorney Bay Park Limited**
Representative : **Tozers LLP**

Original Application : **Application under Mobile Homes Act 1983 to
determine a pitch fee**

Application : **Application for Review or Permission to Appeal**

Tribunal : **Judge JR Morris
Regional Surveyor M Hardman
FRICS, IAAV (Hons)**

Date of Original Application : **31 January 2025**
Date of Inspection : **19 August 2025**
Date of Decision : **29 September 2025**
**Date of Application for
Permission to Review or Appeal** : **4 November 2025**
Date of Decision : **18 November 2025**

DECISION

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Decision of the Tribunal

1. The Tribunal has decided not to review its Decision and refuses permission to appeal to the Upper Tribunal because it is of the opinion that there is no realistic prospect of a successful appeal against its Decision in respect of the Grounds of the Application.
2. In accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and Rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the Applicant or Respondent may make further application for permission to appeal to the Upper Tribunal (Lands Chamber). Such application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal. Where possible, you should send your application for permission to appeal **by email** to Lands@justice.gov.uk, as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently.
3. Alternatively, the Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710).

Reason for the Decision

4. The reason for the decision is that the Tribunal had considered and taken into account all of the points raised by the Applicants in their Statement of Case in response to the Respondent Site Owner's Application, when reaching its decision.
5. The original Tribunal's decision was based on the evidence before it and the Applicants have raised no legal arguments in support of the application for permission to appeal.
6. For the benefit of the parties and of the Upper Tribunal (Lands Chamber) (assuming that further application for permission to appeal is made), the Tribunal has set out its comments on the specific points raised by the Applicants in the application for review or permission to appeal, in the appendix attached.

Judge J R Morris

APPENDIX TO THE DECISION
REFUSING to REVIEW OR GIVE PERMISSION TO APPEAL

For the benefit of the parties and of the Upper Tribunal (Lands Chamber), the Tribunal records below its comments on the grounds of appeal. References in square brackets are to those paragraphs in the main body of the original Tribunal decision.

Original Application and Decision

1. The Respondent issued to each of the Applicants a Notice of Increase in the form of a letter dated 25 September 2024 setting out the current fee and the new proposed fee. In addition, the Applicant issued to each of the Respondents a Pitch Fee Review Form in prescribed form under paragraph 25A (1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 and The Mobile Homes (Pitch Fees) (Prescribed Form) (England) Regulations SI 2023/620, dated 25 September 2024, which proposed a new pitch fee for each of the Respondents of:
 - a) 22 Beach Walk Road
37 Jack King Drive
13 Pebble Road
To be £271.23 per month (£3,254.76 per annum) to take effect to replace the current pitch fee of £265.39 per month (£3,184.68 per annum) which was reviewed on 1 November 2023, giving an increase of £5.84 (£70.08 per annum) calculated from a CPI increase of 2.20%;
 - b) 3 Beach Walk Road
To be £283.07 per month (£3,396.84 per annum) to take effect to replace the current pitch fee of £276.98 per month (£3,323.76 per annum) which was reviewed on 1 November 2023, giving an increase of £6.09 (£73.08 per annum) calculated from a CPI increase of 2.20%; and
 - c) 35 Jack King Drive
To be £261.29 per month (£3,135.48 per annum) to take effect to replace the current pitch fee of £255.67 per month (£3,068.04 per annum) which was reviewed on 1 November 2023, giving an increase of £5.62 (£67.44 per annum) calculated from a CPI increase of 2.20%.
2. The Pitch Fee Review Form stated that in accordance with paragraph 20(A1) of Chapter 2 of Part 1 of Schedule 1 of the Mobile Homes Act 1983 the calculation was based upon the percentage increase in the Consumer Price Index (CPI) over 12 months by reference to the CPI published for August 2024 which was 2.20% (a copy of the CPI table was provided).
3. The Applicants did not agree to the proposed pitch fee increase. Therefore, the Respondent applied to the Tribunal on 31 January 2025 for a determination of the pitch fees payable by the Respondents.
4. The Tribunal made its decision based upon an inspection of the site and the statements of case and supporting documentation provided by the parties. The Applicants stated that they believed the issues they raised amounted to a deterioration in management of the site as per paragraph 18 of Schedule 1 (aa, ab)

to the Mobile Homes Act and that therefore it was unreasonable to increase the pitch fee. The Applicants raised a number of objections which included matters of security, referring to (1) Security at the Entrance, (2) Access to the Pool and (3) Intruders.

5. In a summary of its determination of these issues at paragraphs 37 and 38 of its decision the Tribunal said;

37. *The Tribunal found that regarding the security at the entrance, there had been some improvements and although the system may not be working as well as the Respondents may wish it appeared to be operating satisfactorily. Regarding access to the pool the Site Owner was putting in place a system of wrist bands which should address the issues. In respect of the intruders the incidents described were isolated. The Respondents request for higher fences is in their view seeking an improvement which does not mean the height of the current fences is a deterioration in the Site.*

39. *Therefore, the Tribunal did not find that there was any deterioration in the condition, or any decrease in the amenity, of the site or reduction in the services or any weighty factor such that it would be unreasonable to apply the presumption to increase the pitch fee.*

Application for Review or Permission to Appeal

6. On 4 November 2025 the Applicants applied for the Tribunal to review its decision or to grant permission to Appeal.

Grounds of Appeal

7. The Applicants' grounds of appeal are that the Tribunal did not take the following into account with regard to the security of the Site:
8. Three years ago there had been a team of 8 security guards, 4 at night and 4 in the day, 2 of which were at the gate and 2 were in patrol cars with a dog handler. It was reduced to 4 in October 2024. It was submitted that:
- a) The number of security personnel is insufficient for a 90 acre site of currently over 417 with a further 400 due.
 - b) The three foot high perimeter fence along Bayside insufficient to keep out trespassers.
 - c) The CCTV is insufficient as it does not cover every part of the Site, is not monitored in real time, recordings are not available between 17.00 and 9.00 and is not a substitute for a physical presence.
 - d) The Automatic Number Plate Recognition and the barriers are insufficient to make up for the loss of security staff and were introduced without consultation.

- e) The Tribunal did not reach the same conclusion as a previous First-tier Tribunal case CAM/22UE/2023/0010, 12, 15, 16, 17, and 18.
- f) It was a breach of the Mobile Homes 1983 Act, and Mobile Homes 2013 Act not to consult residents on any changes affecting services.

Tribunal's Response

9. The Tribunal considered the grounds for appeal and responds as follows:

- a) Although the reduction in security staff was referred to in the written statements and the Tribunal's decision was based on that evidence, the information now provided regarding the specific number of security personnel is new evidence. It was not included in the written evidence and submissions upon which the Tribunal made its determination. It is not now admissible.

The Tribunal took account of the specific intrusions that had taken place and determined at paragraph 36:

The Tribunal noted the issues raised by the Respondents but considered them to be isolated incidents which were dealt with by security staff.

It should also be noted that a proposed increase in the Site is not *any deterioration in the condition, or any decrease in the amenity, of the site or reduction in the services* until the expansion has taken place and its effect apparent.

- b) The height of the perimeter fence was evidence that was considered by the Tribunal and a determination made at paragraph 36:

The Tribunal found that the fence around the Southern and lower Eastern boundary adjacent the Estuary shore was appropriately high for its position and was being well masked by the plant growth. The lower fence at the northern and upper Eastern boundary was equally at an appropriately lower height. It overlooked greenery and was a pleasant view. A higher fence might look austere and too enclosed. The issue with intruders from the public park appeared to be due to a lack of fencing around the public park which it was understood was due to be remedied.

- c) The presence of CCTV was referred to in the written statements and the Tribunal's decision was based on that evidence. The information now provided regarding the extent of CCTV and its operation is new evidence and was not included in the written evidence and submissions upon which the Tribunal made its determination. It is not now admissible.
- d) No written evidence was adduced or written submissions made as to the effectiveness of Automatic Number Plate Recognition and it is not now admissible.

- e) The case CAM/22UE/2023/0010, 12, 15, 16, 17, and 18 now mentioned was not referred to in the written statement of case and is not now admissible.
- f) The lack of consultation under paragraphs 22(e) and 24 of the Implied Terms of the Written Statement of Agreement were not raised as an issue in the Applicants' written statement of case and are not now admissible.

Also it should be noted, as was stated at the commencement of the inspection, that no oral evidence is taken at the inspection.

- 10. The Tribunal made its decision having considered all the evidence and submissions.