



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

Case reference	:	HAV/00HE/PHI/2025/0772
Property	:	20, Little Trelower Park, Trelowth, St Austell, Cornwall, PL26 7DU
Applicant	:	Wyldecrest Parks (West) Limited
Representative	:	Mr D Sunderland Estates Director
Respondents	:	Mr B Smith and Mrs S Smith
Representative	:	None
Type of Application	:	Application for determination of pitch fee under the Mobile Homes Act 1983 (as amended)
Tribunal Member	:	Mr J G G Wilson MRICS FCI Arb
Determination on Papers	:	19 November 2025
Date of Decision and further Directions	:	1 December 2025

DECISION AND FURTHER DIRECTIONS

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Decision and further Directions of the Tribunal

The Tribunal has determined the Pitch Fee for 20 Little Trelower Park, Trelowth, St Austell, Cornwall, PL26 7DU is to increase from £213.43 per month to £219.41 per month from 1 May 2025.

Directions:

The Applicant has asked for an Order under Rule 13(1) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ('the 2013 Rules') for reimbursement of £300 being the costs incurred in making and responding to this Application and an Order under Rule 13(2) of the 2013 Rules for reimbursement of the Application fee of £23.

In accordance with Rule 13(6) of the 2013 Rules, the Respondents have 21 (Twenty-One) days from the publication of this Decision and further Directions to send electronically to the Applicant and to the Tribunal any representations they wish to make in respect of the Applicant's requests for Orders being given under Rules 13(1) and 13(2) of the 2013 Rules in this Application.

The Applicant has 14 (Fourteen) days from receipt of any representations from the Respondents, or by no later than 35 (Thirty-Five) days from the publication of this Decision and further Directions to send electronically to the Respondents and to the Tribunal their replies to the Respondents' representations.

Following the above the Tribunal will determine the Applicant's requests for an Order for costs and an Order for the reimbursement of the Application fee on the papers given by the parties.

Introduction and background to the application

1. The Applicant, the site owner, submitted its application under paragraph 16(b) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (as amended) ('the 1983 Act') for the determination of a new level of the pitch fee for 20 Little Trelower Park, Trelowth, St Austell, Cornwall, PL26 7DU ('the property'), to the Tribunal dated 3 June 2025.
2. In the application, reference is made to the Tribunal's decision on the property dated 23 May 2025 (Case reference: CHI/00HE/PHI/2024/0418), where it determined the pitch fee to be £213.43 per month from 1 May 2024. The Applicant confirmed it would be content with a paper determination if the Tribunal thinks it appropriate.
3. The Applicant seeks an increase of the pitch fee for the property from the Tribunal's determination of £213.43 per month (see paragraph 2 above) to £219.41 per month from 1 May 2025 in line with the Consumer Price Index ('CPI') of 2.8% for the year to February 2025.
4. In its letter to the Respondents dated 27 March 2025, the Applicant enclosed two Pitch Fee Review Notices, each with its corresponding Pitch Fee Review Form to accompany as prescribed under paragraph 25A(1) of

the 1983 Act ('Notice 1' and 'Notice 2'), both dated 27 March 2025. The Applicant says that two Notices are attached '...because you have not agreed your Review for 1st May 2024 and the First Tier Tribunal has not yet determined the level of pitch fee' (sic).

5. The Applicant goes on to say "The lower of the two figures will automatically be applied to your pitch fee from May 2025 and once the first Tier Tribunal has determined the pitch fee for May 2024, that figure will be reviewed retrospectively from May 2025 in line with CPI and increased by 2.8%, but will not be higher than the higher of the two figures. You are of course free to contact us now and agree to May 2024 (2025? – this Tribunal's question) Review to avoid the need for further Tribunal proceedings' (sic).
6. Notice 1 proposes an increase from the then pitch fee of £209.86 per month to £215.74 per month (section 2) in line with the CPI increase of 2.8% (section 4(B) The CPI adjustment) and is to take effect from 1 May 2025 (section 3).
7. Notice 2 proposes an increase from £217.00 per month, the pitch fee sought by the Applicant at the Tribunal (see paragraph 2 above) to £223.08 per month (section 2), also in line with the CPI increase of 2.8% (section 4(B) The CPI adjustment) and is to take effect from 1 May 2025 (section 3).
8. In its Decision dated 23 May 2025, the Tribunal confirms the Applicant's application to the Tribunal was received on 30 July 2024 and the hearing was subsequently held remotely by video on 24 April 2025.
9. The Tribunal gave Directions dated 9 September 2025 ('the Directions'). The Tribunal considered the application suitable for determination on the papers only [paragraph 6]. The application and supporting documents shall stand as the Applicant's statement of case [paragraph 13]. The Respondents were to have given their Form for Respondents and statement in reply with any attachments by 1 October 2025 [paragraph 14]. The Applicant was to have given their reply to the Respondents' case by 15 October 2025 [paragraph 15].
10. The Form for Respondents includes provisions for: (1) to object or otherwise to the application, (2) to attach or otherwise a statement, (3) to agree or otherwise that the Tribunal may decide the matter on the basis of written representations only (no hearing), and (4) to provide the name and address of any spokesperson or representative to be appointed for the Respondents.
11. Whereas the Respondents have given neither their Form nor a statement, the Applicant submitted their reply dated 2 October 2025, thereby in accordance with the Directions.
12. Further to the Respondents having not given a statement and neither party having given an application for the Tribunal to make an external inspection, the Tribunal has determined neither an inspection of the property nor the site generally, is necessary.

The Written Statement

13. The Tribunal has been provided with a copy (barely legible) of the Written Statement for the property under the Mobile Homes Act 1983. The parties are Mr and Mrs Crumpton (occupiers) and Mr Bob Cowell (site owner). The agreement commenced on 18 September 1997. The Applicant confirmed in their reply this is the only copy which shows the Review date as 1 May and goes on to say the same copy was given to the Tribunal in its previous application.

The Applicant's Reply

14. On behalf of the Applicant, Mr David Sunderland, Estates Director has given his reply dated 2 October 2025. The Tribunal notes that Mr Sunderland was the Applicant's representative in the previous application (see paragraph 2 above).
15. Mr Sunderland says his statement is made in accordance with the Directions and goes on to say the Respondents have not completed 'the Respondents' Form as to whether or not they disputed the Application and provide any witness statements and evidence upon which they sought to rely in refusing to agree to the statutory inflationary review of the pitch fee. The respondent has not complied with the Directions and the Applicant has not received anything therefore there is nothing to reply to' (paragraphs 3 and 4 of the reply).
16. A copy of the site licence for Little Trelower Park issued by Cornwall Council dated 15 August 2018 has been provided.
17. Mr Sunderland explains that when the Respondents were given their Notices (see paragraphs 4, 5, 6 and 7 above), the Applicant did not have the Decision of the Tribunal for the 1 May 2024 pitch fee review.
18. The Tribunal's Decision is dated 23 May 2025 and determines the start-point for this review to be £213.43 per month, to which the increase in CPI of 2.8% for the year to February 2025 is to be applied, to equal £219.41 per month, with effect from 1 May 2025.
19. Mr Sunderland reminds the Tribunal '...there is a statutory presumption that the pitch fee will increase by CPI unless there are any weighty matters to displace the statutory increase.' Mr Sunderland goes on to say 'As the Respondent has not raised any matters which would displace the statutory presumption, the CPI increase should apply' (paragraphs 8 and 9 of the reply).
20. Then Mr Sunderland says 'In accordance with the Implied Terms, the pitch fee can only be changed by agreement or by the Tribunal; as the Respondent has not agreed to the review, the Applicant as had no option than to make this application (sic)' (paragraph 10 of the reply).
21. The Applicant concludes to submit it is unreasonable for a party having refused to agree to a review of pitch fee, subsequently neither to respond to the Application, nor to comply with the Directions. Accordingly, the

Applicant seeks an Order under Rule 13(1) for reimbursement of £300, being its costs incurred in making and responding to this Application and an Order under Rule 13(2) for reimbursement of the Application fee of £23 (paragraphs 11 and 12 of the reply).

The Law

22. The legal provisions governing the review of pitch fees are in paragraphs 16 to 20 and 25A of Chapter 2 to Schedule 1 of the Mobile Homes Act 1983 (as amended) and the Mobile Homes (Pitch Review) (Prescribed Form) (England) Regulations 2013.
23. In summary, the 1983 Act states that a pitch fee can only be changed in accordance with paragraph 17 of the Act either by agreement with the occupier, or if the Tribunal considers it reasonable to change the pitch fee and makes an order determining the amount of the new pitch fee (paragraph 16).
24. The pitch fee can only be reviewed annually and the rules for the review are set out in paragraph 17. This includes time limits for service of a new pitch fee notice, any associated application to the Tribunal, requirements of prescribed information to be served with the pitch fee notice, and rules regarding the timing of the new pitch fee becoming payable by the occupier, either having been agreed to, or subsequent to an Order having been made by the Tribunal.
25. At paragraph 18(1) are the factors to which ‘particular regard’ must be had when determining the new pitch fee. In summary, these include sums spent on improvements to the site about which the occupiers had been consulted and a majority had agreed to (paragraph 18(1)(a)), any deterioration in the condition or decrease in the amenity of the site (or any adjoining land which is occupied or controlled by the owner) (paragraph 18(1)(aa)) and any reduction in the service (or quality of services) that the owner supplies to the site, pitch or mobile home (paragraph 18(1)(ab)).
26. Paragraph 20(1) sets out the presumption that the pitch fee will increase or decrease by a percentage which is no more than the percentage change in the Consumer Price Index (‘CPI’) unless it would be unreasonable having regard to the matters set out in paragraph 18(1).
27. Whereas neither the Applicant nor their representative has cited any case precedent in the application and their reply, reference has been made to the Tribunal’s decision on the pitch fee review for 1 May 2024, which includes the following.
28. In *Britaniacrest Limited v E W Bamborough and Another* [2016] UKUT 0144 (LC) (to be referred to as ‘*Britaniacrest*’), the Upper Tribunal say ‘The fundamental point to be noted is that an increase or decrease by reference to RPI is only a presumption; it is neither an entitlement nor a maximum, and in some cases it will only be a starting point of the determination...’ (paragraph 31).
29. In *Wyldecrest Parks (Management) Limited v Mr and Mrs P Kenyon*

(and Others) [2017] UKUT 0028 (LC) (to be referred to as ‘*Wyldecrest*’), the Upper Tribunal summarises the effect of the implied terms for pitch fee review in the following propositions:

- (1) The direction in paragraph 16(b) that in the absence of agreement the pitch fee may be changed only “if the appropriate judicial body...considers it reasonable” for there to be a change is more than just a pre-condition; it imports a standard of reasonableness, to be applied in the context of the other statutory provisions, which should guide the tribunal when it is asked to determine the amount of a new pitch fee.
 - (2) In every case “particular regard” must be had to the factors in paragraph 18(1), but these are not the only factors which may influence the amount by which it is reasonable for a pitch fee to change.
 - (3) No weight may be given in any case to the factors identified in paragraphs 18(1A) and 19.
 - (4) With those mandatory considerations well in mind the starting point is then the presumption in paragraph 20(A1) of an annual increase or reduction by no more than the change in RPI. This is a strong presumption, but it is neither an entitlement, nor a maximum.
 - (5) The effect of the presumption is that an increase (or decrease) “no more than” the change in RPI will be justified, unless one of the factors mentioned in paragraph 18(1) makes that limit unreasonable, in which case the presumption will not apply.
 - (6) Even if none of the factors in paragraph 18(1) applies, some other important factor may nevertheless rebut the presumption and make it reasonable that a pitch fee should increase by a greater amount than the change in RPI.
30. In *Mrs T Vyse v Wyldecrest Parks (Management) Limited* [2017] UKUT 0024 (LC) (to be referred to as ‘*Vyse*’), the Upper Tribunal gives further guidance on the execution of the statutory scheme.
- (1) When considering a change in pitch fee the tribunal is not bound to apply the RPI because the presumption does not apply if “this would be unreasonable having regard to paragraph 18(1)”, paragraph 20(A1) (paragraph 43).
 - (2) The factors which may displace the presumption are not limited to those set out in paragraph 18(1) but may include other factors (paragraph 45).
 - (3) The issue of reasonableness is not at large. It is not open to the tribunal simply to decide what it considers a reasonable pitch fee to be in all the circumstances. Reasonableness has to be determined in the context of the other statutory provisions (paragraph 47).
 - (4) If there is no matter to which any of paragraph 18(1) in terms applies,

then the presumption arises and it is necessary to consider whether any 'other factor' displaces it. By definition, this must be a factor to which considerable weight attaches (paragraph 50).

31. In the Tribunal's previous decision on the property for the pitch fee review to be effective from 1 May 2024, it determined an increase of 1.7%, being 50% of the CPI of 3.4%, to reflect *this* (the Tribunal's emphasis) loss of amenity (paragraph 61 of their decision).
32. The Tribunal notes both Mr Sunderland (for the Applicant) and Mr Smith (for the Respondents) attended the hearing remotely by video.
33. The Tribunal, having found that '...there was some evidence demonstrating that maintenance issues were being neglected by the Applicant on this site...' (paragraph 40 of their decision), went on to discuss the same.
34. Four of the five issues considered by the Tribunal, but which were dismissed for either not having demonstrated a breach of the implied terms on the part of the Applicant, or not sufficient to support a finding of a deterioration or decrease in amenity under paragraph 18(1)(aa) were: (1) potholes and poor maintenance of the access roads, (2) a failure to prune overgrowth of bushes, which the Tribunal found were outside the boundary of the Park and the Applicant did not own or occupy the land, (3) the pruning of vegetation to avoid damage caused to the boundary fence, and (4) electricity installations, for which the Tribunal found the state of the meter boxes to be indicative of neglect of the site by the Applicant.
35. The fifth issue considered by the Tribunal was the question of the sewerage system in Little Trelower Park (paragraphs 52 to 60 inclusive of their decision). With respect to this the Tribunal say '...the Tribunal did conclude on the basis of the totality of the evidence that the issues raised by the Respondents was evidence of a decrease in condition and/or loss of amenity under paragraph 18(1)(ab) which rendered it unreasonable for the presumption of an increase in line with the CPI to apply' (paragraph 52 of their decision). 'This' is the loss of amenity referred to in paragraph 31 above.

The Tribunal's Discussion, Decision and further Directions

36. The Tribunal has read the papers in full and has considered the totality of the evidence but limits its discussions to the points relevant for it to reach its Decision and to give further Directions.
37. At this juncture the Tribunal notes that the Respondents having not agreed to the review, neither have they taken part in the proceedings with respect to the Application, nor given their Form for Respondents, nor given their case to comply with the Directions.

The Applicant's pitch review process

38. Little Trelower Park is a protected site within the meaning of the 1983 Act. Cornwall Council granted a site licence for the use of the land as a caravan

site to Wyldecrest Parks (West) Limited dated 15 August 2018, under section 3 of the Caravan Sites and Control of Development Act 1960, subject to conditions.

39. The Tribunal has been provided with a copy of the Written Statement under the Mobile Homes Act 1983 between Mr Bob Cowell (owner) and Mr and Mrs Crumpton (occupier) for 20 Little Trelower Park with a commencement date of 18 September 1997. At Part IV, clause 7(a), is the review date of the pitch fee – 1 May, annually.
40. The Applicant served two Pitch Fee Review Notices with their associated Pitch Fee Review Forms on the Respondents, each dated 27 March 2025, with a covering letter to explain their action, also dated 27 March 2025. From the Application (see paragraph 45 below) the notices of the proposed new pitch fees were served on 29 March 2025. The date for each of the proposed pitch fees to take effect is 1 May 2025. Accordingly, the Notices gave the Respondents at least 28 clear days before the review date, to comply with the provisions of paragraphs 17(1) and 17(2) of the 1983 Act.
41. There is no evidence before this Tribunal that the Pitch Fee Review Forms which accompany each Pitch Fee Review Notice do not comply with the requirements of paragraphs 17(2A) and 25A. Accordingly the Notices with their corresponding Forms are deemed to be valid.
42. As outlined at paragraph 4 above, the Applicant served two Notices as the Respondents had neither agreed to the 1 May 2024 review nor had the Tribunal given its decision on the same. The Applicant was, in effect, obliged to proceed as it did to comply with paragraphs 17(1) and 17(2).
43. At section 4, calculation of the proposed new pitch fee, of each Form, (C) recoverable costs and (D) relevant deductions are ‘£N/A’.
44. The Tribunal’s decision for the 1 May 2024 pitch fee review is dated 23 May 2025.
45. The Application is dated 3 June 2025, thereby within the three months’ time limit, paragraph 17(5). The Application includes the details of the Respondents and confirmation the notices of the proposed new pitch fee were served on the occupiers on 29 March 2025.
46. At paragraph 4 of the application, Review Details, under both ‘Changes since last review’ and ‘Other changes’, the Applicant has ticked ‘No’ to all the questions and goes on to add the case number for the Tribunal’s decision for the 1 May 2024 review, outlined in paragraphs 31 to 35 inclusive above. Accordingly, the Applicant’s position is that there are no further factors, beyond that of the loss of amenity associated with the sewerage system outlined in paragraph 35 above, to be taken into consideration to determine the amount of the new pitch fee.
47. From the Applicant’s reply submitted by Mr Sunderland dated 2 October 2025, the issues to be determined by the Tribunal are: (1) in the absence of any weighty matters to displace the same, the statutory presumption that a pitch fee shall increase annually by CPI should apply, (2) due to the

Respondents failure to agree to the review, and subsequently neither to respond to the Application, nor to comply with the Directions, an Order for the reimbursement of costs of £300 under Rule 13(1) is sought, and (3) following (2) also an Order is sought under Rule 13(2) for the reimbursement of the Application fee of £23.

The Tribunal's Findings and Determination(s)

48. As the Respondents have not agreed to the increase, the first consideration for the Tribunal is whether it is reasonable for the pitch fee to be changed (paragraph 16(b)). The Tribunal is satisfied that it was reasonable for the pitch fee to be changed. The Tribunal accepts in general terms that costs for the Applicant will have increased in the year from 1 May 2024 to 1 May 2025.
49. Having concluded it is reasonable for the pitch fee at the property to be changed, the Tribunal took into consideration the Upper Tribunal's guidance in *Britaniacrest*, *Wyldecrest* and *Vyse*, outlined in paragraphs 28, 29 and 30 above.
50. Following the Upper Tribunal's guidance and in the absence of any evidence of any factor to displace the statutory presumption the Tribunal finds the CPI increase is to apply. The Tribunal notes that the loss of amenity associated with the sewerage system is reflected in the 1 May 2024 pitch fee review and that any further adjustment for the same would be to double count.
51. The Applicant has provided a section of a print-out of the CPI Annual rate sourced from a dataset 'Consumer price inflation time series (MM23)'. For the period February 2025, the figure is 2.8%. The Tribunal is satisfied that the February 2025 figure was the latest (last) index published before the Pitch Fee Review Notices were served and therefore satisfies paragraph 20(A2). Accordingly, the Tribunal determines the increase in pitch fee to be 2.8%.
52. The Tribunal determines the new pitch fee from the calculation (A) + (B) + (C) – (D) as follows: (A) the current pitch fee - £213.43 per month, (B) the CPI adjustment + £5.98 per month [calculated from a percentage increase of 2.8%], (C) recoverable costs and (D) relevant deductions – both £N/A. Accordingly (A) £213.43 per month plus (B) £5.98 per month to equal £219.41 per month, with effect from 1 May 2025.
53. In accordance with paragraph 17(10)(b) the difference between the pitch fee determined from 1 May 2024 and this determination from 1 May 2025 is payable within 28 days of this decision being published.

Directions

54. The Applicant has requested the Tribunal to issue an Order for costs against the Respondents under Rule 13(1) in the sum of £300, being its costs incurred in making and responding to the application, and an Order for the reimbursement of the Application fee of £23 against the Respondents under Rule 13(2).

55. The Tribunal may neither make an Order for costs nor for the reimbursement of the Application fee against the Respondents without first giving the Respondents an opportunity to make representations, Rule 13(6) of the 2013 Rules. Accordingly, the Tribunal gives further Directions with this Decision for the Respondents to give any such representations to be made; and for the Applicant to give their replies to any representations the Respondents give.
56. Following the above the Tribunal will determine the Applicant's requests for an Order for costs and an Order for the reimbursement of the Application fee on the papers given by the parties.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk 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.
3. If the person wishing to appeal does not comply with the 28 days' 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 days' 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.