



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

Case References	:	BIR/17UK/PHI/2024/0044 to 45; BIR/17UK/PHI/2024/0048 to 49; and BIR/17UK/PHI/2024/0052
Properties	:	Various premises at Weston Hill Park, Bridge Lane, Weston on Trent, Derbyshire DE72 2BU (see attached Schedule)
Applicants	:	Mr M M A White & Mr M T White
Representative	:	Mr D Sunderland
Respondents	:	As listed in the Schedule
Representative	:	Mr J Lawrenson
Application	:	Application by site owner for a determination of a new level of pitch fee, under paragraph 16 of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983
Tribunal Members	:	Judge M K Gandham Mr N Wint BSc (Hons) FRICS ACI Arb
Date and venue of Hearing	:	28 October 2025 Centre City Tower, 5 – 7 Hill Street, Birmingham B5 4UU
Date of Decision	:	26 January 2026

DECISION

Decision

1. The Tribunal determines that the pitch fees for the following properties at Weston Hill Park shall be increased from 1 April 2024 as follows:

No. 5	- from £184.56 per month to £191.94 per month
No. 17	- from £189.43 per month to £197.01 per month
No. 18	- from £185.85 per month to £193.28 per month
No. 30	- from £197.23 per month to £205.12 per month
No. 32	- from £197.23 per month to £205.12 per month

Reasons for Decision

Introduction

2. By applications received by the Tribunal on 21 June 2024, Mr Michael Mark Anthony White and Mr Michael Thomas White ('the Applicants'), applied to the First-tier Tribunal, Property Chamber under paragraph 16 of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (as amended) ('the Act') for the determination of a new level of pitch fee.
3. The applications included those in respect of the properties known as Nos. 5, 17, 18, 30 and 32 Weston Hill Park ('the Properties'), all of which are situate on Weston Hill Park, a mobile home site located off Bridge Lane, Weston-on-Trent, Derbyshire DE72 2BU ('the Site').
4. On 28 February 2024, the Applicants had sent a notice to each of the Respondents – Mr John Sowter (No. 5), Mrs Mandy Simpson (No. 17), Mr Simon Bird (No. 18), Mr Robin McDonald (No. 30) and Mr David Green (No. 32) – detailing a proposed increase in the pitch fee for their respective homes. The increase was to take effect from 1 April 2024.
5. As the Respondents failed to pay the increased pitch fees, the Applicants applied to the Tribunal for a determination of the new pitch fee for each of the homes under paragraph 17(4)(a) of Chapter 2 of Part 1 of Schedule 1 to the Act.
6. The Tribunal issued a Directions Order on 24 July 2024, in respect of all of the Properties. The Order confirmed that, although separate applications had been received in relation to each mobile home, as they were in the same form and related to the same issues, the Tribunal intended to determine them together. [Applications were also received for other homes on the Site, however, these were either withdrawn or determined separately.]
7. A statement was received from each of the Respondents in relation to their respective cases and a Statement in Reply was received from Mr Sunderland (the Applicant's Representative).
8. Mr James Lawrenson was appointed as the Respondents' representative and further directions were issued on 14 March 2025, to ready the matter for a hearing.

9. The Tribunal inspected the Site on 27 October 2025, and an oral hearing was held on 28 October 2025 at the tribunal's hearing rooms in Centre City Tower, Birmingham.

The Law

10. The relevant law is set out in Chapter 2 of Schedule 1 to the Mobile Homes Act 1983 (as amended), in particular, paragraphs 16 to 20 inclusive. Subsequent references in this decision to paragraphs 16 to 20 are references to this Chapter of this Schedule. The relevant provisions of the legislation that apply to this decision given the matters raised by the parties are as follows:

Mobile Homes Act 1983, Chapter 2 Schedule 1

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- (1) The pitch fee shall be reviewed annually as at the review date.*
- (2) At least 28 clear days before the review date the owner shall serve on the occupier a written notice setting out his proposals in respect of the new pitch fee.*
- (2A) A notice under sub-paragraph (2) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 25A.*
- (3) If the occupier agrees to the proposed new pitch fee, it shall be payable as from the review date.*
- (4) If the occupier does not agree to the proposed new pitch fee—*
- (a) the owner ... the occupier may apply to the appropriate judicial body for an order under paragraph 16(b) determining the amount of the new pitch fee;*
 - (b) the occupier shall continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by the appropriate judicial body under paragraph 16(b); and*
 - (c) the new pitch fee shall be payable as from the review date but the occupier shall not be treated as being in arrears until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of the appropriate judicial body order determining the amount of the new pitch fee.*
- (5) An application under sub-paragraph (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.*

...

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- (1) *When determining the amount of the new pitch fee particular regard shall be had to –*
- (a) *any sums expended by the owner since the last review date on improvements–*
 - (i) *which are for the benefit of the occupiers of mobile homes on the protected site;*
 - (ii) *which were the subject of consultation in accordance with paragraph 22(e) and (f) below; and*
 - (iii) *to which a majority of the occupiers have not disagreed in writing or which, in the case of such disagreement, the appropriate judicial body on the application of the owner, has ordered should be taken into account when determining the amount of the new pitch fee;*
 - (aa) *any deterioration in the condition, and any decrease in the amenity, of the site or any adjoining land which is occupied or controlled by the owner since the date on which this paragraph came into force (in so far as regard has not previously been had to that deterioration or decrease for the purposes of this sub-paragraph);*
 - (ab) *any reduction in the services that the owner supplies to the site, pitch or mobile home, and any deterioration in the quality of those services, since the date on which this paragraph came into force (in so far as regard has not previously been had to that reduction or deterioration for the purposes of this sub-paragraph);*

...

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(A1) *Unless this would be unreasonable having regard to paragraph 18(1), there is a presumption that the pitch fee shall increase or decrease by a percentage which is no more than any percentage increase or decrease in the consumer prices index calculated by reference only to—*

- (a) *the latest index, and*
- (b) *the index published for the month which was 12 months before that to which the latest index relates.*

(A2) *In sub-paragraph (A1), “the latest index”—*

- (a) *in a case where the owner serves a notice under paragraph 17(2), means the last index published before the day on which that notice is served;*
- (b) *in a case where the owner serves a notice under paragraph 17(6), means the last index published before the day by which the owner was required to serve a notice under paragraph 17(2).*

...

The Issues

11. The issues raised by the Respondents were in respect of the maintenance and condition of, and quality of services, surrounding:
 - the site roads,
 - the lighting,
 - the trees,
 - the communal areas,
 - the sewerage system,
 - the water pressure,
 - security on the site, and
 - the procedure for reporting maintenance issues.

Inspection

12. The Tribunal inspected the Site on the morning of 27 October 2025. Mr Michael Thomas White and Ms Tracey Stoddart (the Office Manager) attended on behalf of the Applicants. The Respondents, bar Mr Bird, also attended, together with Mr Lawrenson. It was raining intermittently throughout the inspection.
13. Weston Hill is located off Swarkestone Road, approximately one mile away from Weston-on-Trent in a rural area surrounded by farmland to three sides, with woodland on the south-west point running adjacent to the Trent and Mersey Canal. It comprises two separate parks – the Site and a holiday park (which is not a protected site, so does not fall within the jurisdiction of the tribunal) known as ‘Hidden Valley’.
14. Weston Hill is reached via Bridge Lane, a private road, with the Site office located on the left-hand side of the lane, close to where the first homes belonging to Hidden Valley are sited. As Bridge Lane reaches the first mobile homes on the Site (No. 1 Weston Hill) it turns to the right (parallel to the canal) and continues into the central section of the Site. A number of smaller roads and paths lead off Bridge Lane to give access to the other mobile homes on both the Site and the holiday homes in Hidden Valley.
15. The Site roads were comprised of a variety of surfaces; some being made up of hard-core and gravel and other sections being tarmacked. Some sections of road, including those which gave joint access to both the homes on the Site and Hidden Valley, appeared to have been either more recently laid or more recently resurfaced and were in good condition, with kerb stones separating the pitches from the roads. Other sections of the road and accessways, including the part of Bridge Lane which ran parallel to the canal, were in a much poorer condition, with potholes in the gravel/hard-core surfaces. Although there appeared to have been some historical patch repairs, the surfaces were uneven and there were pools of standing rainwater, weed growth and an accumulation of leaf litter.
16. Although there did not appear to be any communal gardens, there were several small patches on the Site, between the mobile pitches and the site roads, which were common areas. These appeared to be overgrown.

17. In relation to lighting, there were several bollard lights on the section of Bridge Lane between the site office and No. 1 Weston Hill Park, with a number of other bollard lights situated across the Site – some opposite No. 41 Weston Hill Park (where a new wooden gate had been installed) and a few close to, and along the road leading to, the new Gym which had been built between Nos. 34 and 39 Weston Hill Park. In addition to the bollard lights, there were a few lampposts along the section of Bridge Lane which ran parallel to the canal. The bollard lights and lampposts looked in a fair overall condition, although the glass casings which enclosed the lights in the lampposts were in need of cleaning.
18. A limited inspection was carried out of the heavy woodland adjoining the canal, at the rear of Nos. 1 to 10 Weston Hill Park. The woodland was heavily overgrown, but it was unclear from the inspection as to where the boundary of the Site lay and what the impact of the overgrowth on the mobile homes adjoining it were.
19. A new sewerage tank had been installed on the corner of Bridge Lane, just before it curved to the right, with a separate alarm installed on Bridge Lane opposite Nos. 1 and 2 Weston Hill Park. The tank was being emptied on the day of the inspection.
20. In relation to any site security, there did not appear to be any gates, CCTV cameras or any other form of security blocking the entrance to Weston Hill, nor did there appear to be any marked separation between the homes on the Site and the holiday homes.

Hearing

21. A public hearing was held at the tribunal's hearing rooms at Centre City Tower, Birmingham. Mr Michael Thomas White attended, and the Applicants were represented by Mr Sunderland. The Respondents, bar Mr Bird, were also in attendance, represented by Mr Lawrenson.

Submissions on Issues Raised

Site Roads

22. Mr Lawrenson, on behalf of the Respondents, stated that the Applicants had not maintained the unmade sections of the Site roads and accessways for several years but had tarmacked sections of the roads which provided access to the holiday park homes. He submitted that the lack of maintenance meant that the unmade roads had become a trip hazard, especially in the winter, and that the poor surfaces had led to them being particularly difficult to traverse for those with disabilities and mobility scooters. Mr McDonald stated that he knew of two people who had fallen on the roads.
23. Mrs Simpson stated that the roads and accessways had been notoriously bad for years and that the residents of the Site took it upon themselves to maintain the same, sweeping leaves and clearing snow in the winter.
24. In their written submissions, the Respondents had referred to the Applicants not carrying out any works until ordered to do so by the local authority; and then simply filling in holes which would deteriorate again within a few weeks.

25. Mr Sunderland, on behalf of the Applicants, asked the Tribunal to note that it could only take into account any deterioration in the condition or decrease in the amenity of the Site since the last tribunal decision, which was made in 2021. He pointed to the fact that, although the Respondents appeared to have wanted the Applicants to have tarmacked all of the roads on the Site, that the sections of the roads complained about had always been made up of gravel rather than tarmac, and that tarmacking the same would amount to an improvement.
26. Mr Sunderland stated that the Respondents appeared to accept that some maintenance was carried out by the Applicants and contended that there had not been any reduction in the amenity of the Site since the last tribunal decision.

Lighting

27. In relation to the lighting, Mr Lawrenson stated that the lighting on the Site was inadequate and that there was no lighting at all past No. 8 Weston Hill Park. He also stated that the Applicants had failed to maintain the lighting that was in place, with the Respondents having to take on this responsibility themselves.
28. Mr McDonald stated that he had changed one of the lightbulbs in the lampposts as it had been out for several months; he did confirm that he had not reported this issue to the Applicants. He also accepted that, although no new lighting had been installed along the older sections of the Site, that none of the existing lighting installations on those parts had been removed.
29. Mr Green stated that the glass casings of the lamps were rarely cleaned, causing the light emitting from the same to be vastly reduced. Prior to them having been cleaned in the summer of 2025, he stated that they had not been cleaned for a number of months and had only been cleaned twice in the past five years.
30. Mr Sunderland asked the Tribunal to note that, since the Applicants' ownership of Weston Hill, additional lighting had been installed in certain sections of the Site and that the parties all agreed that none of the existing lighting installations had been removed.
31. He stated that the level of lighting on the Site was sufficient to allow safe movement of pedestrians and vehicles around the Site and complied with what was detailed in the site licence. In addition, he submitted that the evidence given by Mr Green was anecdotal and that Mr McDonald had confirmed that he had not reported the lightbulb being out to the Applicants.

Trees

32. Mr Lawrenson stated that the Respondents had tried to discover who was responsible for the trees on the Site, especially those alongside the canal. He stated that some of those trees were in a dangerous condition and that, prior to the Applicants purchasing the Site, the boundaries trees were maintained by the previous site owners.
33. Mrs Simpson also referred to there being very little maintenance of the trees in the communal areas inside the Site. She referred to two trees having fallen onto her pitch, which were felled by the local authority as "*emergency*" works.

34. Mr Sunderland, on behalf of the Applicants, stated that the responsibility for some of the trees was disputed, that many of the trees inside the Site were subject to tree preservation orders, that the local authority had confirmed that the trees were not in a dangerous state and that the Applicants had provided no evidence to indicate that there had been lack of maintenance since the previous tribunal decision.

Communal Areas

35. Mr Lawrenson submitted that the Site was neglected, whereas Hidden Valley was maintained on a regular basis with leaves being cleared and grassed areas of the common parts being cut.
36. Mrs Simpson stated that she had never seen a member of staff cutting the grass other than before an inspection by the tribunal. She stated that the residents of the Site had taken upon themselves to create a working task group to keep the communal areas on the Site maintained to a reasonable level.
37. Mr Sunderland noted that although the Respondents had referred to a lack of maintenance, they had produced no evidence to corroborate this, nor to indicate that there had been any decrease in the condition of the Site since the last tribunal decision.

Sewerage

38. The Respondents' concerns relating to the sewerage system centred around issues with the new sewerage tank alarm sounding, together with occasional foul odours.
39. Mr McDonald stated that the sewerage tank alarm would go off regularly, indicating what he believed to be a fault on the system. He stated that, instead of dealing with the fault, the alarm would simply be reset, which meant it would sound again after a short period of time. Although Mr McDonald gave his opinion on why he considered the alarm was sounding, he accepted that he was not an expert.
40. Mr McDonald and Mr Green both agreed that the installation of the new sewerage tank by the Applicants and connection of some of the homes on the Site to the same, which they stated had taken place after the last tribunal determination, was a great improvement on the previous system.
41. Mr Sunderland pointed to the fact that there was no evidence that there were any faults with the sewerage tank and that an alarm should sound if there was a fault or the tank was full. He noted that there were no submissions made that the tank was not removing waste and that the Applicants were not aware of any complaints made to the Environmental Agency with regard to any foul odours or other issues with the tank.
42. Mr Sunderland also noted that the Respondents had referred to the new system as being an improvement on the Site and asked the Tribunal to note that the Applicants had not sought any increase for the same.

Water Pressure

43. Mr Lawrenson stated that the Site suffered from low water pressure, which meant that some of the residents of the Site struggled to use their showers.

44. Mr McDonald stated that the issue related to a problem with the size of the water pipe and that the problem had become worse since the supply had been changed from receiving water from a bore hole to receiving the water supply from Severn Trent. He stated that this had led to him having to install a booster under his home, although, even with the booster, he would still encounter issues when other occupiers were using the supply at the same time. He confirmed that the issues with water pressure had remained the same since before the pandemic.
45. Mrs Simpson submitted that the water pressure had slowly become worse over the years, especially since 2022 when more holiday homes had been built. She stated that the problems with the water pressure caused her difficulties as her son, for whom she cared, had disabilities which required the use of water more often. She confirmed that she had complained to both Severn Trent and to the local authority.
46. Mr Sunderland stated that any issues with the pressure should be taken up with Severn Trent rather than the Applicants and noted that neither Mrs Simpson nor Mr McDonald had provided any corroborating evidence to indicate that the water pressure had deteriorated. He also noted that Mrs Simpson had not supplied copies of any letters she had written to Severn Trent or to the local authority, and that neither the local authority nor Severn Trent had contacted the Applicants regarding any purported difficulties.

Site Security

47. Although the Respondents made no submissions at the hearing in respect of security on the Site, in the written submissions, Mr Green and Mr McDonald had referred to the security on the Site being poor, with no CCTV at the gate and anybody being able to drive around the Site.
48. In reply, Mr Sunderland had referred to the Site having never had any gates, and that such installations would constitute an improvement.

Reporting Procedure

49. The Respondents stated that there was no set procedure to report any problems at the Site as there was no longer a site manager.
50. Mr McDonald stated that the situation had remained the same for approximately ten years and that the Respondents had to deal with any issues themselves. He stated that no one would answer any telephone calls, although he accepted that he had not made any written complaints. Mr McDonald also stated that he was unsure as to what information was detailed on the Site noticeboard in relation to how to report any issues.
51. Mrs Simpson stated that she was informed in writing that she was not allowed to go to the Site office to report problems; she had not, however, supplied a copy of this letter with her evidence.
52. Mr Sunderland referred to information regarding reporting problems to be readily available on the Site noticeboard and stated that procedures for reporting problems had remained the same for a number of years. He also noted that the Respondents

failed to provide any corroborating evidence supporting the failure of the Applicants to deal with reported problems and that they had admitted themselves that certain issues had not even been reported.

53. In addition, he stated that the failure to have a proper procedure for reporting problems did not constitute a decrease in condition, amenity or services.

Final Submissions

54. Mr Sunderland referred the Tribunal to the statutory presumption under paragraph 20 and to the decision in *Wyldecrest Parks (Management) Ltd v Kenyon and others* [2017] UKUT 28 (LC), in which he stated the Upper Tribunal reaffirmed that this was the starting point for any review, unless it would be unreasonable having regard to the implied term in paragraph 18 dealing with reduction in amenities of the site or services provided.
55. He also referred to the decision in *Vyse v Wyldecrest Parks (Management) Ltd* [2017] UKUT 24 (LC), in which he submitted the Upper Tribunal had stated that any matter which could displace the statutory presumption must be of greater weight than that of a CPI increase.
56. In this matter, Mr Sunderland stated that the Respondents submissions amounted to no more than “*customer service complaints*” and that they had failed to provide sufficient evidence to indicate that there had been any reduction in the amenity of the Site or that there was some other weighty matter which would displace the statutory presumption. Accordingly, in his written submissions, he asked the Tribunal to make an order under Rule 13(2), for reimbursement of the Applicants’ application fees.
57. The Respondents stated that they had been complaining about the condition and reduction in services provided at the Site for many years and felt that their concerns were not being listened to either by the Applicant or by the tribunal. They stated that the Applicants, during this time, had continued to develop more areas of Weston Hill, spending money on improving the facilities at, and for, Hidden Valley, whilst neglecting the Site completely.

The Tribunal’s Deliberations

58. The Tribunal had regard to their findings from their inspection and considered all of the evidence submitted, both written and oral, briefly summarised above.
59. Under paragraph 20, there is a statutory presumption that the pitch fee shall increase (or decrease) by the percentage increase (or decrease) in the CPI. This presumption is, however, a rebuttable one if the Tribunal considers it unreasonable for the increase (or decrease) to take place, having regard to the matters referred to in paragraph 18(1), or by some other weighty factor.
60. The Upper Tribunal, recently, reiterated the position in *Wyldecrest Parks (Management) Ltd v Whiteley* [2024] UKUT 55 (LC) [at para 28]:

“In summary, where none of the factors in paragraph 18(1) is present, and no other factor of sufficient (considerable) weight can be identified to displace the

presumption of an RPI increase, the task of the tribunal is to apply the presumption and to increase the pitch fee in line with inflation. Where one of the factors in paragraph 18(1) is present, or where some other sufficiently weighty factor applies, the presumption does not operate or is displaced.”

61. In the recent *Southern Country Parks Limited v Bird* [2025] UKUT 18 (LC) decision, the Upper Tribunal gave further guidance regarding the statutory presumption [at para 23]:

“Of course, it is not every deterioration in the condition of the site or deterioration in its amenity which will displace the presumption of an RPI increase; the deterioration or decrease must be sufficient (when considered together with any other relevant factors in paragraph 18(1)) to make it unreasonable for the presumption to apply (see paragraph 20(A1)). The implied terms leave it to the FTT to determine whether any particular deterioration or decrease is sufficiently serious to have that effect.”

62. With regard to determining whether there has been a decrease in the condition or deterioration in any amenity on the Site, the Tribunal also bore in mind the decision of the Upper Tribunal in *Wyldecrest Parks (Management) Limited v Finch* [2024] UKUT 197 (LC) [at para 29]:

“Regard must be had to “any deterioration in the condition, and any decrease in the amenity, of the site”. The only relevant considerations are: first, whether the site was previously in a superior condition from which it has deteriorated since the paragraph came into force in 2013; secondly, whether that deterioration has been taken into account in a previous pitch fee determination; and, if not, thirdly, whether it would be unreasonable to implement the usual RPI increase in view of that deterioration. The proper comparison is between the current condition of the site and its previous condition, and not between its current condition and some notional minimum compliant standard.”

63. The Respondents in this matter submitted that there had been a deterioration in both the condition and services in respect of a number of issues. The Tribunal has considered these particular matters below, taking into account (where relevant) that some 18 months had passed since the relevant pitch fee review date and the date of its inspection.

Site Roads

64. The Tribunal accepts that, at the time of its inspection, there was a clear distinction in the condition of certain roads and accessways within the parts of the Site nearer to the canal, to other roads closer to the entrance to the Site, some of which gave access to the holiday homes in Hidden Valley. This contrast is not something which, in itself, is relevant when the Tribunal is making a finding under paragraph 18. Nor is any disparity in the sums that may have been expended by the Applicants on Hidden Valley as opposed to on the Site.
65. The Tribunal noted that some of the unmade roads and accessways on the Site were in a poor condition on the date of the inspection. Although the inspection took place several months after the relevant pitch fee review date, the Tribunal considered that

the roads were unlikely to have been a much better condition had the inspection occurred at the time of the review.

66. To be able to determine that there had been a deterioration in the condition of the roads and accessways for the purposes of paragraph 18, however, the Tribunal requires some supporting evidence, such as photographs detailing the previous condition of the roads and accessway compared to their condition at the date of the relevant pitch review, to demonstrate the deterioration that had occurred.
67. As such documentation was not provided, the Tribunal finds that there is insufficient evidence for it to determine that there has been a deterioration in the condition of the roads and accessways on the Site.

Lighting

68. The Tribunal notes that none of the existing lighting facilities on the Site have been removed and the Applicants had installed lighting bollards, some of which were situated within the boundaries of the Site, albeit not in the areas where the Respondents considered they were required.
69. In the absence of the local authority requiring the installation of additional lighting, Mr Sunderland is correct, in that the installation of lighting in areas in which they are not currently present might well constitute an improvement in the amenities.
70. With regard to the failure to clean the glass casing of the lampposts and replace bulbs, without some corroborating evidence to show that such issues had been reported to the Applicants and that they had failed to rectify them (such as copy letters of complaints) and how much the failure to maintain the same affected the lighting around those areas of the Site (such as photographs), the Tribunal finds that there is insufficient evidence to indicate a deterioration in the amenity of the Site or a decrease in the services.

Trees

71. The Tribunal noted that the Applicants disputed that they were responsible for the trees that lay between the mobile homes on the Site and the canal, which were clearly overgrown. Without confirmation of ownership and evidence of the effect of the same on the mobile homes or communal areas of the Site adjoining the woodland, the Tribunal is unable to establish that there has been a lack of maintenance of them by the Applicants.
72. With regard to the other communal trees on the Site, Mrs Simpson had not provided a copy of any correspondence with the local authority regarding the trees which had required felling, and the other communal trees seen by the Tribunal did not appear to be in a sufficiently unkempt state, so as to be causing a decrease in the condition or amenity of the Site.

Communal Areas

73. The Tribunal did accept that there appeared to be a distinct lack of maintenance of the communal areas during its inspection, however, there was not enough evidence provided that this represented a deterioration in the condition or decrease in the

amenity of the Site, so as to rebut the presumption of a CPI increase. As with the Site roads, the Respondents had failed to provide sufficient evidence of the prior condition of the communal areas for the Tribunal to be able to make a determination as to whether there had been a decrease in condition.

Sewerage

74. The Tribunal noted that the Respondents' issues mainly related to the sounding of the tank alarm. Although the Tribunal accepts that the alarm may have sounded on occasion, and that this would be an annoyance to the occupiers of the homes in the vicinity of the same, there was insufficient evidence provided as to how often it would sound and for how long; how often complaints had been reported without success; whether the local authority had been notified and what would cause the alarm to sound. There was even less evidence submitted regarding the effect and frequency of any foul odours.
75. In addition, the Respondents confirmed that the new sewerage tank installed by the Applicants was a substantial improvement from the sewerage system that had been replaced.
76. Taking this into account, the Tribunal finds that there has not been any decrease in amenity or reduction in services to the occupiers in regard to the sewerage.

Water Pressure

77. In relation to the water pressure, the Tribunal notes that although Mrs Simpson stated that the water pressure had decreased since 2022 with the increase of holiday homes on the park, Mr McDonald had referred to the water pressure difficulties as having persisted for many years.
78. The Respondents had provided no corroborating evidence to support their submissions, such as an expert's report as to the cause of any reduction or details of their complaints to the local authority, and it was not clear whether the Applicants were responsible for the provision of the water supply or if the issue lay with Severn Trent.
79. In the absence of sufficient evidence, the Tribunal is unable to conclude that there has been any reduction in services.

Site Security

80. The Tribunal accepts that the Site has never benefitted from any security gates or CCTV, so the absence of the same does not amount to a reduction in services.

Reporting Procedure

81. The Tribunal notes that the Respondents appeared to be unaware of any information regarding reporting problems that may have been on the Site noticeboard. Although the Respondents stated that there was no longer a site manager, they did not set out in detail what services had previously been provided which were no longer available and when such services had stopped.

82. In the Tribunal's previous decision there was reference to a warden on the Site. Neither party referred to the same, and in the absence of the Respondents clearly setting out how any services have decreased, the Tribunal is unable to find that there has been any reduction in them.

Summary

83. Although the Tribunal accepts that the Respondents have genuine concerns regarding the maintenance of the Site and feel that there has been a reduction in the services, they have failed to provide sufficient evidence for the Tribunal to find that any deterioration, decrease or reduction in services was sufficiently serious, such as to render the statutory presumption unreasonable.
84. For the reasons given above, the Tribunal finds that the statutory presumption set out in paragraph 20 of the Act applies and that the relevant pitch fees for the Properties are to increase by 4% as set out in paragraph 1.

Costs

85. Mr Sunderland had, in his written submissions, requested that the Tribunal make an order under Rule 13(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013.
86. Under Rule 13(2):

The Tribunal may make an order requiring a party to reimburse to any other party the whole or part of the amount of any fee paid by the other party which has not been remitted by the Lord Chancellor.

As such, an order under Rule 13(2) is a discretionary one.

87. As stated above the Tribunal accepted that the Respondents had genuine concerns regarding the Site and also considered that most of the issues raised by the Respondents were relevant points for consideration in relation to the condition and amenity at the Site and services provided. They were not simply "customer service complaints" as referred to by Mr Sunderland.
88. Although the Tribunal has decided that the statutory presumption of an increase was not unreasonable based, mainly, on insufficient evidence, the Respondents are lay persons, and this is not unusual.
89. As such, the Tribunal makes no order under Rule 13(2).

Appeal

90. If either party is dissatisfied with this decision, they may apply to this Tribunal for permission to appeal to the Upper tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties (Rule 52 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).

M K Gandham
Deputy Regional Judge

SCHEDULE OF PROPERTIES AND RESPONDENTS

All properties are situated at Weston Hill Park

PROPERTY	RESPONDENT	REFERENCE
No. 5	Mr John Sowter	BIR/17UK/PHI/2024/0044
No. 17	Mrs Mandy Simpson	BIR/17UK/PHI/2024/0045
No. 18	Mr Simon Bird	BIR/17UK/PHI/2024/0048
No. 30	Mr Robin McDonald	BIR/17UK/PHI/2024/0049
No. 32	Mr David Green	BIR/17UK/PHI/2024/0052