



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

Case Reference : HAV/00HH/PHI/2025/0859

Property : 104 Falcon Park, Totnes Road, Paignton,
TQ4 7PZ

Applicant : Falcon Opco Limited

Representative : LT Management Services

Respondent : Mrs Carole Gill

Representative : None

Type of Application : Review of Pitch Fee: Mobile Homes Act
1983 (as amended)

Tribunal members : Mr I R Perry FRICS

Date of Decision : 22nd April 2026

DECISION

Summary of Decision

The Tribunal determines that the proposed increase in pitch fee for 104 Falcon Park is reasonable and determines a pitch fee of £140.81 per month with effect from 1st July 2025.

Background

1. On 25th September 2025 the Applicant site owner sought a determination of the pitch fee of £140.81 per month payable by the Respondent from 1st July 2025.
2. A Pitch Fee Review Notice dated 21st May 2025 with the prescribed form was served on the occupier proposing to increase the pitch fee by an amount which the site owner says represents an adjustment in line with the Consumer Prices Index (“CPI”).
3. The Applicant provided a copy of the written agreement in part which refers to the Review Date as “The First Day of September”, and as such, was different to the Review Date given in the Notice.
4. The Tribunal issued Directions on 10th February 2026 setting out a timetable for the exchange of documents preparatory to a determination on the papers with the proviso that if the Respondent wished to challenge the review date, she must raise this within her statement of case to be submitted by 3rd March 2026.
5. On 18th March 2026 the Tribunal issued further directions to the effect that it would proceed to determine the case based on the papers previously submitted.
6. No papers were received from Respondent.

Consideration

7. Falcon Park is a protected site within the meaning of the Mobile Homes Act 1983 (“the 1983 Act”). The definition of a protected site in Part 1 of the Caravan Sites Act 1968 includes a site where a licence would be required under the Caravan Sites and Control of Development Act 1960 if the exemption of local authority sites were omitted.
8. The Respondent’s right to station her mobile home on the pitch is governed by the terms of their Written Agreement with the Applicant and the provisions of the 1983 Act.
9. A pitch fee is payable by the Respondent. Pitch fee is defined in paragraph 29 of Part 1 of Schedule 1 of the 1983 Act as:

"The amount which the occupier is required by the agreement to pay to the owner for the right to station the mobile home on the pitch and for use of the common areas of the protected site and their maintenance, but does not include amounts due in respect of gas, electricity, water, sewerage or other services, unless the agreement expressly provides that the pitch fee includes such amounts."

10. The Applicant served the Respondent with the prescribed form proposing the new pitch fee on 21st May 2025 which was more than 28 days prior to the review date specified in the Notice being 1st July 2025.
11. The Application to the Tribunal to determine the pitch fee was made on 25th September 2025 which was within the period starting 28 days to three months after the review date. The form indicated that the Applicant had applied the CPI of 3.5% for April 2025.
12. The Application Form stated that the Applicant had demolished a dis-used old building at the front of the park and was in the process of making good the area.
13. The Tribunal is satisfied that the Applicant has complied with the procedural requirements of paragraph 17 of Part 1 of Schedule 1 of the 1983 Act to support an application for an increase in pitch fee in respect of the pitch occupied by the Respondent.
14. The Tribunal is required to determine whether the proposed increase in pitch fees is reasonable. The Tribunal is not deciding whether the overall level of pitch fee is reasonable.
15. The Tribunal is required to have regard to paragraphs 18, 19 and 20 of Part 1 of Schedule 1 of the 1983 Act when determining a new pitch fee. Paragraph 20(1) introduces a presumption that the pitch fee shall increase by a percentage which is no more than any percentage increase or decrease in the CPI since the last review date and applies unless factors identified in paragraph 18 are demonstrated so that presumption does not apply. If the presumption does apply, it may be rebutted but only by other factors which are sufficiently weighty to do so.
16. The Applicant has restricted the increase in the pitch fee to the percentage increase in the CPI and in view of the presumption referred to in paragraph 14 above and in the absence of any matters being raised which prevent that presumption applying or then go to rebut that presumption, the Tribunal finds that the proposed increase in pitch fee is reasonable.

Decision in respect of the pitch fee

17. Given the above circumstances the Tribunal determines that the proposed increase in pitch fee for 104 Falcon Park is reasonable and

determines a pitch fee of **£140.81 per month with effect from 1st July 2025.** .

Fees

18. 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) pursuant to rule 13(2) of The Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013.
19. No application or submission has been received in respect of fees.

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 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.