



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

Case Reference	CAM/22UF/PHC/2025/0016
Property	6 Temple Grove, Bakers Lane, West Hanningfield, Chelmsford, Essex, CM2 8LQ
Applicant	The Berkeley Leisure Group Limited
Representative	Mr David Blake, Operations Manager
Respondents	Ms Ann Brown
Type of application	Mobile Homes Act 1983, section 4 – Any Questions
Tribunal	Judge V Lloyd Dr J Wilcox FRICS
Date of Hearing	20 July 2026
Date of Decision	21 July 2026

DECISION

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Decision

The Tribunal has determined the questions arising under the Mobile Homes Act 1983 (“the Act”) or the agreement to which it applies below.

1. The presence of the vehicle bearing registration number G351 PMX (“the vehicle”) on the Site constitutes a breach of Park Rules 26 and 27 and section 3(i) of Part IV of the Written Statement.
2. The Respondent shall, within 28 days of the date of this decision, either:
 - (a) ensure that the Vehicle is taxed and has a valid MOT certificate; or
 - (b) remove the Vehicle from the Site.
3. The Tribunal makes no order for reimbursement of the application fee.

Reasons

The Application

4. On 9 July 2025, the Applicant applied to the Tribunal in respect of 6 Temple Grove, Bakers Lane, West Hanningfield, Chelmsford, Essex, CM2 8LQ (“the Park Home”) under section 4 of the Mobile Homes Act 1983 (“the Act”) for a determination as to whether the Respondent is in breach of Park Rules 26 and 27 and section 3(i) of Part IV of the Written Statement under the Act.

Background and Directions

5. The Applicant is the site owner and operator of Temple Grove which is a protected site within the meaning of the Act (“the Site”).
6. The Respondent occupies the Park Home pursuant to an agreement which is regulated by the Act and which was assigned to Ms Ann Brown, the Respondent, on 18 October 1999 (“the Agreement”). The Agreement is governed by a Written Statement under the Act which contains express terms and park rules.
7. Directions were made on 3 November 2025. The matter was subsequently listed for a final hearing via videoconference (CVP).
8. The Applicant filed a bundle consisting of 88 pages which comprised the Directions, the Applicant Form, Statement of Case, Site Licence and Fact Sheet. The Respondent has not filed any evidence nor responded to any correspondence from the Tribunal.

The Law

9. The relevant sections of the Mobile Homes Act 1983 read as follows:-

“1 Particulars of agreements

(1) This Act applies to any agreement under which a person (“the occupier”) is entitled—

- (a) to station a mobile home on land forming part of a protected site; and*
- (b) to occupy the mobile home as his only or main residence.*

(2) Before making an agreement to which this Act applies, the owner of the protected site (“the owner”) shall give to the proposed occupier under the agreement a written statement which—

- (a) specifies the names and addresses of the parties;*
- (b) includes particulars of the land on which the proposed occupier is to be entitled to station the mobile home that are sufficient to identify that land;*
- (c) sets out the express terms to be contained in the agreement (including any site rules (see section 2C));*
- (d) sets out the terms to be implied by section 2(1) below; and*
- (e) complies with such other requirements as may be prescribed by regulations made by the Secretary of State.*

[...]

4 Jurisdiction of a Tribunal or the court

*(1) In relation to a protected site, a Tribunal has jurisdiction—
(a) to determine any question arising under this Act or any agreement to which it applies; and
(b) to entertain any proceedings brought under this Act or any such agreement.
[...]“*

Relevant Express Terms and Park Rules of the Written Statement

10. The following are the Express Terms that are relevant to the present matter and are set out in Part IV of the Written Statement.

Section 3 states:

*“The Occupier undertakes with the Owner as follows:-
[...]*

*(i) To comply with the Park Rules from time to time in force a copy of the current Park Rules being annexed hereto as the Third Schedule
[...]”*

11. The Park Rules state:

*[...]
“Vehicles and Parking*

26. You must hold a current driving licence and be insured to drive any vehicle which is your responsibility on the park. You must also ensure that any vehicle that you drive on the park is taxed in accordance with the requirements of law and is in a roadworthy condition.

*27. Disused or unroadworthy vehicles must not be kept anywhere on the park. We reserve the right to remove any vehicle which is apparently abandoned.
[...]”*

Hearing

12. A final hearing took place before the Tribunal via videoconference (CVP). The Applicant was represented by Mr Blake. The Respondent did not attend and was not represented. The Tribunal ascertained that the Applicant and the Tribunal had served the Respondent with the bundle of evidence and notice of the hearing by post and email. Neither the Applicant nor the Tribunal had received any reply from the Respondent. The Tribunal was satisfied that the Respondent had been notified of the hearing. Having regard to the overriding objective and the absence of any application for an adjournment or explanation for non-attendance, the Tribunal considered that it was in the interests of justice to proceed in the Respondent's absence.

13. Mr Blake provided a Statement of Case dated 9 July 2025 and gave oral evidence to supplement his written submissions.
14. He stated that concerns were raised regarding the Vehicle being parked in a communal parking bay of the Site, which had originally been “*covered with a tarpaulin sheeting and in poor condition*”. The Applicant had checked the status of the vehicle via the GOV.UK vehicle enquiry service which recorded the Vehicle as SORN (statutory off-road notification) and without a valid MOT.
15. The Applicant first wrote to the Respondent via letter dated 21 November 2024 advising that as the Vehicle was SORN and without a valid MOT, it was a contravention of the site rules. The Applicant requested that the Respondent remove the vehicle from the Site within 14 days or alternatively, tax and service the Vehicle which would enable the Vehicle to remain parked on the Site. The Applicant sent further correspondence dated 14 January 2025 warning that a failure to remedy the contravention would result in the issue of a Notice of Breach and application to the First-Tier Tribunal (Property Chamber) to seek a resolution. The Applicant sent a Letter Before Action dated 12 February 2025 advising that after an updated check, the Vehicle remained SORN and without a valid MOT. The Respondent was advised of the procedure to remedy the contravention and invited to contact the Site office to discuss their intentions in resolving the matter. The Applicant issued a Notice of Breach dated 3 April 2025. On each occasion, the Respondent neither acknowledged nor responded to the correspondence.
16. During the hearing, Mr Blake for the Applicant, informed the Tribunal that the Vehicle was not in a roadworthy condition. It had been parked near the entrance within the Site and after the Applicant’s initial correspondence, the Respondent had placed the vehicle on jacks and removed the wheels. The Applicant had anticipated that the Vehicle would be restored but subsequently, it was not taxed, did not have a valid MOT certificate nor had it been removed from the parking bay or Site. The Applicant had therefore issued a Letter Before Action and then served a Notice of Breach.
17. The Tribunal noted that Park Rule 27 provided the Applicant with “*the right to remove any vehicle which is apparently abandoned*”. Mr Blake’s evidence was that there had been a change which entailed that in circumstances where the Applicant was aware of the owner of the vehicle, it could not remove it without the assistance of the Local Authority.
18. Mr Blake confirmed that they had carried out a DVLA check to ascertain that the Respondent owned the vehicle and in any case, they were aware that the Respondent owned the vehicle as she had previously parked it near to her Park Home and she had been seen driving it. He advised that occupiers are not required to provide updated personal details to the Applicant. He had checked on the morning of the hearing that the Vehicle remained the subject of a SORN and did not have a valid MOT certificate.
19. The Tribunal asked about the Respondent’s personal circumstances and Mr Blake said that Ms Brown lived at the Park Home. He gave evidence that she did not open the door when called upon and that on one occasion, the Site Office

had telephoned her mother who lived in Lincolnshire to request that Ms Brown return their call. At the time, Ms Brown was known to be visiting her mother. No call back was received. Mr Blake said that on occasion, Ms Brown's mother paid her pitch fees. He had no knowledge of any disability or other necessary adjustments that would explain Ms Brown's failure to respond to the correspondence.

20. The Tribunal enquired what steps the Applicant would take in the event that the Tribunal made a determination that the Respondent was in breach of the relevant sections of the Written Statement and Park Rules. Mr Blake said that once the period for any compliance had expired, the Applicant would liaise with the Local Authority, and that if the Local Authority did take steps to remove the Vehicle, it would recharge the costs to the Applicant. He confirmed that the Applicant would not terminate the Agreement as Ms Brown was up to date with her payment of the pitch fees.

Tribunal's Determination

21. The Tribunal has carefully considered all the evidence and submissions before determining this application pursuant to section 4 of the Act, which empowers the Tribunal to determine any question arising under the Act and to entertain proceedings brought under it.
22. The issue for determination is whether the Respondent is in breach of Park Rules 26 and 27 for keeping the Vehicle on the Site whilst it is untaxed and disused/unroadworthy and whether the Respondent has contravened the Express Term of the Written Statement to comply with the Park Rules in force.
23. On the evidence before it, the Tribunal is satisfied on the balance of probabilities that the Vehicle is disused and unroadworthy for the purposes of Park Rule 27. The Vehicle is subject to SORN, has no valid MOT certificate, and the Applicant's evidence, which the Tribunal accepts, is that it has been placed on jacks and had its wheels removed. The Respondent has not filed evidence or otherwise disputed the Applicant's case. The Tribunal therefore finds that the Respondent is in breach of Park Rule 27 and, by reason of section 3(i) of Part IV of the Written Statement, is in breach of the Agreement. To the extent that the Vehicle is kept on the Site, the Tribunal is also satisfied that it does not comply with Park Rule 26. The Respondent shall, within 28 days of the date of this decision, either ensure that the Vehicle is taxed, has a valid MOT certificate, and is in a roadworthy condition, or remove the Vehicle from the Site.
24. No application was made for reimbursement of the application fee pursuant to Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, rule 13(2) and the Tribunal therefore makes no such order.

Name: Tribunal Judge V Lloyd

Date: 21 July 2026

RIGHTS OF APPEAL

1. If a party wishes to appeal the decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional Office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.
3. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (i.e., give the date, the property and the case number), state the grounds of appeal, and state the result the party making the application is seeking.