



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

**Case Reference No:** CHI/00HD/PHC/2016/0026

**Property:** 98 Greenacres Park, Ram Hill, Coalpit Heath, Bristol BS36 2UB

**Applicants:** R & M Hearne trading as Gloucestershire Park Homes

**Respondents:** Mr K & Mrs J Heavens

**Application type:** Application by a Park Home site owner for a determination of a new level of pitch fee.

**Tribunal:** Judge Professor David Clarke  
Mr Simon Hodges

**Date of Determination:** 6 March 2017

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**DETERMINATION AND STATEMENT OF REASONS**

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**DETERMINATION**

This is an application for a determination of a new level of pitch fee. The Tribunal determines that the new fee is £165.77 per calendar month payable from 1 October 2016. The Tribunal makes no order as to costs.

## REASONS

1. This application is dated 17 November 2016 and asks for a determination of a new level of pitch fee in relation to the property known as 98 Greenacres Park, Ram Hill, Coalpit Heath, Bristol, BS36 2UB (“the Property”). Directions were made by Judge Agnew on 3 January 2017 that the application to be determined on the papers without a hearing in accordance with rule 31 of the Tribunal Procedure Rules 2013.

2. The Property is a static mobile home on the site owned and run by the Applicants. The Respondents, Mr & Mrs Heavens, purchased this home from a Mr & Mrs Ashton on 22 January 2016. The Schedule 4 Assignment form between Mr and Mrs Ashton and the Respondents records the pitch fee at the time of assignment as £163.64. The Respondents gave Notice of Assignment to the Applicants and paid the 10% commission fee. By virtue of the terms of the Written Statement under the Mobile Homes Act 1983, dated September 29 2000 which relates to this Property, the pitch fee review date is the 1 May of each year.

3. By a notice given on 30 August 2016, the Applicants served a pitch review form on the Respondents proposing a new pitch fee of £165.77 to take effect from 1 October 2016. The Respondents did not agree to this revision and objected on a number of grounds, considered below.

4. The Tribunal inspected the Property and the Greenacres Park Homes site (“the Park”) on the morning of 6 March 2017. It found it to be an attractive and tidy site in a semi-rural setting with a considerable number of mature trees. The home owners appeared to take pride in their pitches with neat and well-kept gardens. The homes seen were static and individualised with all the appearance of substantial permanence. The property was in a group of four with a joint access from the estate road. The joint access way was laid with modern paving and in a ~~good~~ ~~n~~ ~~excellent~~ state of repair.

5. At the inspection, the Tribunal were met by the Applicants and by Mr Heavens. During the inspection, the parties clarified a number of points of fact raised in the paperwork. As agreed by the parties, the subsequent determination was made on the paperwork and in the light of the inspection.

6. The Tribunal is satisfied that the Pitch Fee Review Form was properly completed and served on the Respondent more than 28 days before the new pitch fee was to take effect. The calculation of the new fee was correctly based on the RPI adjustment by reference to the RPI published for February 2016 at 1.3%. The Tribunal therefore determines that the increase should take effect unless any of the Respondent’s objections otherwise require an alternative conclusion.

7. The Respondents’ case can be discerned from various matters raised in two letters dated 10 and 16 January 2017 to the Tribunal office. The Tribunal considers each in turn:

- (1) It was claimed that the trees directly over the property were in need of trimming back as large pieces had fallen onto the Property. On

inspection, it was found that the tree appeared to be in good health. ~~with no obvious dead branches.~~ The Applicants explained that all trees on the site were covered by a single ~~Tree~~ ~~Preservation~~ ~~Order~~ and were trimmed in accordance with the local Council's requirements. The Tribunal found that the tree did not impact on the Respondents enjoyment of the pitch and that there was no decrease in amenity that would justify objection to the pitch fee increase.

- (2) It was claimed that trees were overgrown at the entrance to the Park causing difficulty exiting with vehicles but ~~during the~~ ~~our~~ inspection it was agreed by ~~the~~ Mr Heavens that this matter had been dealt with satisfactorily.
- (3) The Respondents were concerned that they had had to sell a van at a loss when they discovered after purchase that vans were not allowed to be parked on the site but they claimed that some residents still had vans. It was however accepted that this was a valid site rule. It cannot therefore be a basis for objection to the pitch fee increase. The Applicants provided assurance that the rule applied to all residents on the site.
- (4) The Respondents objected to having to pay a sum of £5 per week, or £21.67 per month to park a second car. However, the paperwork showed that they had informed the Applicants that they had a second vehicle on 7 June 2016; and that, though they appeared to state in the paperwork on 20 January 2017 that they didn't end up getting a second car, at the time of the inspection they did confirm that they were currently parking a second borrowed vehicle. The Applicants also confirmed that the charge for the second vehicle would be removed whenever a park resident informed them that ~~they~~ no longer wished to park a second vehicle.
- (5) It was said that the entrance to the Park was cheaply repaired and that there were potholes at the entrance to the Park. The inspection by the Tribunal did not reveal any such potholes nor did the Tribunal find that the state of the roadway was in such disrepair as to lead to any loss of amenity.

8. None of the points outlined above would justify a valid objection to the pitch fee increase. The main concern of the Respondents appeared to be that their pitch fee ~~is~~ seemed to be a little higher than that of some of their neighbours some of whom (it was said) have larger homes. While it was claimed that some neighbours had not paid an increase for three years, no evidence was produced to justify that contention. The Tribunal comments that any such discrepancy is not a basis for objection to a pitch fee in relation to a particular mobile home. There may be inevitable minor variations from time to time between pitch fees resulting perhaps from the different dates when individual agreements commenced; or from different review dates; or because regulated RPI increases were not applied in relation to some pitches in a particular year; or for any other reason. The Respondents' sense of injustice on that issue is understandable but it is not a valid basis to object to the pitch fee increase.

9. The Tribunal therefore determines that the new pitch fee is £165.77 per calendar month payable from 1 October 2016. The Tribunal makes no order as to costs.

### **RIGHT OF APPEAL**

10. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.

11. 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.

12. 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.

13. 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.