FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	:	**BIR/00GA/PHI/2016/0003**
Property	:	**6 Linton Park, Worcester Road, Bromyard, Herefordshire HR7 4DB**
Applicant	:	**Country Parks Ltd**
Representative	:	**Tozers, Solicitors**
Respondent	:	**Ms W M Redfern**
Representative	:	**None**
Type of Application	:	**Application by site owner for determination of a new level of pitch fee under paragraph 16 of Schedule 2 Part 1 of the Mobile Homes Act 1983 ("the Act").**
Tribunal Members	:	**Judge C Goodall LLB** **Mr I D Humphries B.Sc.(Est.Man.) FRICS**
Date of Decision	:	**23 March 2017**

DECISION

Background

1. Linton Park is a mobile homes site in Bromyard, Herefordshire registered for sixty-eight mobile homes, and owned by Country Parks Ltd ("the Applicant").

2. On 25 February 2016, the Applicant served notice upon the occupiers of Linton Park of a pitch fee review to operate from 1 April 2016.

3. On 20 June 2016, the Applicant applied to the Tribunal for a determination of the pitch fee payable by eighteen occupiers at Linton Park under Paragraph 16 of Schedule 2 of Part 1 of the Mobile Homes Act 1983 (as amended) ("the Act"). It is assumed that these occupiers (as is their right) did not confirm agreement to the pitch fee review, which triggered a requirement for the Applicant to apply to the Tribunal for it to be determined, if they wished to obtain the benefit of a pitch fee review.

4. By a direction dated 6 October 2016, the Tribunal directed that one of the occupiers should be designated as lead respondent under the provisions of Rule 23 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("the Rules"), and further directed that all other cases be stayed. In fact, that lead respondent declined to act as such, and the Tribunal therefore directed, on 3 November 2016, that Mr & Mrs Goddard should be substituted as lead respondent.

5. On 17 February 2017 the Tribunal issued a determination in Mr & Mrs Goddard's case ("the Lead Case").

6. Ms Redfern ("the Respondent") occupies the pitch referred to on the front page of this decision. Following the conclusion of the Lead Case, the Tribunal removes the stay on this case. This decision is the determination of the pitch fee payable for 2016/17 by the Respondent.

7. Rule 23 of the Rules provides that the decision in the Lead Case shall be binding upon the related cases in respect of common or related issues unless, within 28 days of the decision in the Lead Case, any party applies in writing for a declaration that the decision is not to be binding. The Tribunal has not received such an application from the Respondent.

8. The issues determined by the Tribunal in the Lead Case were:

    a) Country Parks Ltd must insert the correct current pitch fee in section 2 of their form proposing a new pitch fee. They did not do so in the Goddard's case, and therefore their proposal for a new pitch fee for 2016/17 pitch fee was invalid in that case **(Issue 1)**.

b) The Goddard's however failed in their argument that Country Parks Ltd were not entitled to include a fixed contribution of £40.64 per pitch per annum for river-banking and street lighting works carried out in 2005. Any site owner who agreed in 2006 (however unwillingly) to pay the costs requested for work to the river bank and street lighting has in effect agreed to a variation of the pitch fee as from that year, and is now legally bound to pay a pitch fee each year until 31 March 2021 which includes the sum of £40.64 **(Issue 2)**.

c) A one-off payment of £4.53 per pitch could be included in the pitch fee for 2016/17 as a contribution towards improvements towards the security costs of the site **(Issue 3)**.

d) In principle, the annual site licence fee is in effect included in the pitch fee each year as once included (as it was in 2015/16) it becomes a permanent addition to the pitch fee and can generally increase year on year by inflation (as defined in the Act). In fact, for 2016/17, Country Parks Ltd were seeking a payment of £22.58 per pitch (which was lower than the pitch fee included in the previous year) which Mr & Mrs Goddard agreed. The Tribunal would have determined this was payable if it had not been agreed **(Issue 4)**.

9. By a letter dated 15 February 2017 the Respondent was notified of the decision in the Lead Case and was provided with a copy of that decision. The Respondent was informed of the requirements of Rule 23 and the need to inform the Tribunal within 28 days if she wished to apply for a direction that the decision in the Lead Case should not be binding in his case.

10. In that letter the Respondent was also informed that the Applicant had informed the Tribunal that their instructions were that the Respondent was not able to take advantage of the Tribunal's ruling in Issue 1 above, because the correct pitch fee was inserted into section 2 of the pitch fee review form supplied to the Respondent in respect of the 2016/17 year. The Respondent was directed that if she did not accept that the information provided to the Tribunal by the Applicant on this point was correct, she should inform the Tribunal, also within 28 days.

11. The Respondent has not replied to the Tribunal's letter of 15 February 2017.

12. The Tribunal is not aware of any issues raised by the Respondent that were not common or related issues as identified above.

Decision

13. The Tribunal determines (as was indicated in paragraph 70 of the decision in the Lead Case) that the pitch fee payable by the Respondent for 2016/17 is £1,610.28.

Appeal

14. Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Judge C Goodall
Chair
First-tier Tribunal (Property Chamber)