



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

**Case Reference** : MAN/00FB/PHI/2017/0005 – 14

**Property** : Various at Eppleworth Caravan Site,  
Westfield Road,  
Eppleworth,  
East Riding of Yorkshire,  
HU16 5YJ

**Applicant** : East Riding of Yorkshire Council

**Representative** : N/A

**Respondents** : Various – see Annex

**Representative** : N/A

**Type of Application** : Application under Schedule 1 of the Mobile  
Homes Act 1983

**Tribunal Members** : Deputy Regional Valuer N. Walsh  
Deputy Regional Judge J. Holbrook

**Date and venue of  
Hearing** : Determined without a hearing

**Date of Decision** : 7 December 2017

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**DECISION**

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## DECISION

**The pitch fee payable by each of the Respondents for the year commencing 1 April 2017 is £91.23 per week.**

## REASONS

### Background

1. The Respondents' pitch agreement provides that the pitch fee review date is 1 April. On 27 February 2017, the site owner served a Proposed Increase in Pitch Fee Form requiring the Respondents to pay an increased pitch fee, by reference to an RPI increase since the previous year. The Respondents failed to pay the proposed increase, and on 20 June 2017, an application was made to the First-tier Tribunal (Property Chamber) ("the Tribunal") under Paragraph 14 of Chapter 4 of Part 1 of Schedule 1 of the Mobile Homes Act 1983 for the determination of a new level of pitch fee.
2. The application was made by East Riding of Yorkshire Council, the local Authority and freehold owner of the site known as the Eppleworth Caravan Site, which is a traveller residential site. The Respondents are the occupiers of pitches numbered 2, 8, 11, 12, 13, 14, 15, 16, 17 and 18.
4. The only issue for the Tribunal to determine the new level of the pitch fee for each Respondent.
5. On 24 July 2017, the Tribunal issued directions and informed the parties that, unless the Tribunal was notified that any party required an oral hearing to be arranged, the application would be determined upon consideration of written submissions and documentary evidence only. No such notification was received and the Tribunal therefore convened on the date of this decision to consider the application in the absence of the parties. In response to directions, the Applicant submitted a Statement of Case however the Respondents failed to comply with any of the directions of the Tribunal. This ultimately led to the Respondents being barred from taking further part in these proceedings, which was confirmed in the Tribunal's Order dated 4 October 2017. The Tribunal has not received any submissions or Statement of Cases from the Respondents and therefore has had no alternative but to determine this matter solely on the basis of the Applicant's submissions.
6. The Tribunal did not inspect the Property.

## Law

7. The procedure for increasing pitch fees on the appropriate review date is set out at paragraphs 14 to 18 of Chapter 4, which so far as relevant read:
14. *The pitch fee can only be changed in accordance with paragraph 15 either –*
- (a) with the agreement of the occupier, or*
  - (b) if the tribunal, on the application of the owner or occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee.*
15. *(1) The pitch fee will be reviewed annually at the review date....*  
*(4) If the occupier does not agree to the proposed pitch fee*
  - (a) the owner may apply to the court [a tribunal] for an order under paragraph 14(b) determining the amount of the new pitch fee.....*
16. *(1) When determining the amount of the new pitch fee particular regard must 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 20(f) ....; and*
    - (iii) to which a majority of the occupiers have not disagreed in writing .....*

“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.*

8. Section 18 reads:

*18(1) ..... there is a presumption that the pitch fee will increase or decrease by a percentage which is no more than any percentage increase or decrease in the retail price index since the last review date, unless this would be unreasonable having regard to paragraph 16(1).*

## **Evidence**

9. The Applicant asserts that there have been no material or adverse changes at the site. The site owner confirmed in its application that no improvements have been made since the last review date nor are there any factors, to the best of its knowledge, that have decreased the amenity of the site during the relevant period.
10. The Respondents have not engaged with these proceeding and so have not refuted or disagreed with any part of the Applicant's submissions or Statement of Case.

## **Conclusions**

11. In reviewing the Applicant's Statement of Case and application, and in the absence of any submissions to the contrary from the Respondents, the Tribunal considers the proposed increase in the pitch fee sought by the Applicant to be reasonable. The Tribunal can find no grounds to disturb the statutory presumption, outlined in section 18(1), that the pitch fee should rise in line with the retail price index unless there are pertinent factors which would render this to be unreasonable. The Tribunal therefore determines the new pitch fee level for each of the Respondents to be as requested by the Applicant.

## **Annex**

### Respondents:

Pitch 2	Leanna Smith
Pitch 8	Lyndsey Allen
Pitch 11	Becky Smith
Pitch 12	Philip Smith
Pitch 13	Jenna Smith
Pitch 14	Stephen Smith
Pitch 15	Susan Smith
Pitch 16	Julie Smith
Pitch 17	Mandy Smith
Pitch 18	Lorna Smith