



Park Homes

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Who are we?

- LEASE is a Non-Departmental Public Body funded by government to provide free legal advice relating to park homes in England
 - LEASE park homes advice is funded by Department for Communities and Local Government (DCLG)
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What do we do

- We provide advice by telephone, letter , e-mail or in person at our office
 - We can arrange seminars and meetings near you where a group of residents, site owners or other interested parties want to discuss a joint issue
 - We publish a range of advice notes
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PITCH FEE REVIEW



Pitch fee

- Amount the site owner can charge the occupier
 - Details spelt out in the agreement
 - Does not include utilities unless agreement states otherwise
 - Implied terms provide for annual review of fee
 - Express terms state how fee is charged and amount
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Pitch fee review

- Fee changes either
 - 1) With occupier's agreement
 - 2) By order of the First-tier Tribunal (Property Chamber)



Pitch fee review

- Written notice served on occupier
 - Sets out proposals
 - Sent not less than 28 clear days notice before review date
 - Must be accompanied by a Pitch Fee Review Form
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Pitch Fee Review Form - content



- Details of parties
 - Proposed new pitch fee
 - Date new fee proposed to take effect
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Pitch fee presumption

- Fee cannot be changed by more than annual change in RPI unless this would be unreasonable having regard to other matters
 - Improvements
 - Deterioration in condition/decrease in amenity of site
 - Reduction in services
 - Cost of applying for a site licence
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RPI adjustment

- RPI change in the previous year
 - Must use the latest published 12 month RPI figure available 28 clear days before review date
 - Example: Review date – 1 April
 - 28 days before the review date means 4 March
 - Use most recently published RPI figure before 4 March
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Recoverable costs

- New pitch fee shall have regard to
 - Any sums spent since last review date on improvements
 - For the benefit of occupiers
 - Which were subject to consultation
 - To which the majority of occupiers had not disagreed in writing

Where majority have disagreed, tribunal ordered that costs be included in pitch fee.



Recoverable costs

- New pitch fee shall have regard to
 - A change in the law since last review directly affecting the cost or management/maintenance of the site
 - Eg annual licence fee
 - Pitch fee review from 2nd April 2014-1st April 2015
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Deductions

- New pitch fee shall have regard to
 - Deterioration in condition or decrease in amenity of the site or any adjoining land occupied/controlled by site owner since 26 May 2013
 - Reduction in site owner provided services to the site, pitch or park home or deterioration in their quality since 26 May 2013
 - And not taken into account in previous reviews
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Pitch fee review – disallowed costs

- Compliance with Mobile Homes Act 2013
 - Eg costs relating to preparing and serving Pitch Fee Review Form
 - Costs arising from local authority enforcement action
 - Fees for altering licence conditions or consent to transfer licence
 - Costs incurred by site owner in expanding site
 - Litigation costs incurred by site owner
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Pitch fee - if not agreed

- Site owner or occupier applies to tribunal for determination
 - Can apply after 28 days from review date
 - But no later than 3 months after review date
 - If late review, no later than 4 months after service of notice
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Pitch fee - if not agreed

- Occupier pays pre-review pitch fee until agreement/tribunal determination
 - New fee payable from review date
 - Occupier not in arrears until 28 days after agreement/tribunal determination
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SITE RULES

The New Regime



Why change?

- Greater need for transparency
 - Greater need to communicate with residents
 - Lack of clarity whether rules were binding
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Importance of site rules

- Benefit site owner and park home owner to resolve disputes
 - Integral part of agreement between site owner and park home owner
 - Examples
 - Car parking arrangements
 - Keeping of pets
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Site rule procedure



- Site rules to be express terms of an agreement
 - Applies to existing rules and new rules
 - New rules since 4th February 2014 have to follow consultation procedure
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Banned rules

- **New regulations prohibit certain site rules**
 - **Examples**
 - interference with sale
 - absolute prohibition on improvements to home or pitch
 - discretionary rules eg keeping pets with 'consent of site owner'
 - visitors being required to report to site owner on arrival
 - occupiers being required to use site owner's tradesmen
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Site rule procedure

- Existing rules in place for a year (from 4 February 2014)
- Ineffective by 4 February 2015 unless consultation procedure followed or pending appeal



New forms

- Proposal Notice – proposals for site rules to be made/ varied
 - Consultation Notice - Site owner decides whether to make/vary rules following views from occupiers
 - Notification of Deposit of Site Rules - notifying occupiers that rules deposited
 - Notification of Deposit of Deletion Rules - notifying occupiers of deletion of rules
 - Forms available from our website
 - <http://parkhomes.lease-advice.org/forms>
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Application to the First-tier Tribunal (Property Chamber)



- Appeal to a tribunal within 21 days of receipt of consultation response document
 - Grounds
 - Site rules makes provision for banned matter
 - Site owner not complied with statutory procedure
 - Site owner's decision is unreasonable having regard to representations received, factors relating to site and planning permission or site rule
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Appeal to First-tier Tribunal

- Confirm site owner's decision
 - Order that consultation process shall recommence
 - Quash or change the site owner's decision
 - Substitute owner's decision with own decision
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Written statements

Rules lodged with local authority

- They become express terms of written statement
- After 21 days from Notice of Deposit of Site Rules



Register of site rules

- Local authority must retain register of site rules
 - Publish online register
 - The register shall be open to members of the public during working hours
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TRIBUNAL PROCESS



First Tier Tribunal

- Part of court system
 - Determining park home cases
 - Panel of 2 or 3 members
 - Application to Regional Tribunal Office
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Forms



LEASE Website

- <http://parkhomes.lease-advice.org/forms/>
 - Contact Tribunal Office for forms
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Types of dispute

Examples

- Disputing utility charges
 - Enforcement of site rules
 - Pitch fee disputes
 - Recognition of a residents association
 - Termination of agreement
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Who can apply?

- Resident or Site Owner
 - Residents Association may also apply
 - 1/ Failure to acknowledge residents association
 - 2/ Failure to lodge site rules
 - 3/ Appeal against site rules
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Content of Form

- Details of applicant
 - Details of site
 - Details of site owner
 - How application should be dealt with
 - Availability
 - Venue Requirements
 - Statement of Truth
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Payment of fees

- Depends on type of application
 - Application fee is £155
 - Site rules
 - Approval of residents association
 - Other applications: £205 if more than 2 references
 - Fees can be waived depends on circumstances
 - [EX160A Fee Remission](#)
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After application received

- Allocation to case officer
 - Communication with parties regarding procedure
 - Directions granted by tribunal
 - Matter proceeds to hearing
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Powers of tribunal

- Decision binding upon parties
 - Power to award compensation
 - Application fee may be reimbursed
 - If party acted unreasonably in bringing, defending action-tribunal may also order costs
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Appeal to Upper Tribunal

- Permission from First Tier Tribunal within 28 days of written decision
 - Appeal on point of law
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Cases

Sale of Park Home

Application for Refusal Order- Upper Tribunal

- Wyldecrest Limited

Both application to tribunal and notification of parties served within 21 days



Cases

- Recovery of annual licence fee in pitch fee review
- Elms Caravan Co Limited v McMillan and others

Tribunal held:

- Annual licence fee was stand alone part of pitch fee
 - RPI will not apply in future years
 - If decrease or not repeated, the fee must be removed
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Cases

- Administrative Charges for Utilities
- BritaniaCrest Limited- Upper Tribunal

Tribunal held:

- These have to be agreed
 - They cannot be implied
 - <http://parkhomes.lease-advice.org/news/>
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Cases

- Responsibility for Removal of Tree- First Tier Tribunal
- Turner v Cooper
- Tree on occupiers' pitch was dangerous and site owner ordered to remove it.



Contact details

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