

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL (WALES)

Reference: File Numbers:

RPT/0018/01/23 – No. 1	RPT/0019/01/23 – No. 9	RPT/0020/01/23 – No.11
RPT/0021/01/23 – No. 16	RPT/0022/01/23 – No. 27	RPT/0023/01/23 – No. 34
RPT/0024/01/23 – No. 54	RPT/0025/01/23 – No. 58	RPT/0026/01/23 – No. 62
RPT/0027/01/23 – No. 92	RPT/0028/01/23 – No. 94	RPT/0029/01/23 – No. 95
RPT/0030/01/23 – No. 107	RPT/0031/01/23 – No. 129	RPT/0032/01/23 – No. 132
RPT/0033/01/23 – No. 141	RPT/0034/01/23 – No. 158	RPT/0035/01/23 – No. 164
RPT/0036/01/23 – No. 165	RPT/0037/01/23 – No. 170	RPT/0038/01/23 – No. 171
RPT/0039/01/23 – No. 187	RPT/0040/01/23 – No. 191	RPT/0041/01/23 – No. 194
RPT/0042/01/23 – No. 228		

In the matter of an application for pitch fee reviews under the Mobile Homes (Wales) Act 2013

APPLICANT: Wyldecrest Parks (Management) Limited

RESPONDENTS:

Mrs Alves (No.1)	Mrs M Heaney (No. 9)
Mrs Rawlinson (No. 11)	Ms V Foster (No. 16)
Mr D and Mrs E Battison (No. 27)	Mrs Lambert (No. 34)
Mr and Mrs Willis (No. 58)	Mrs Jones (No. 62)
Mrs Eaton (No. 92)	Mr and Mrs Worrall (No. 95)
Mr Whelan (No. 107)	Mrs Sawyer (No. 129)
Mr T Challinor (No. 132)	Mr John and Mrs Wilson (No. 141)
Mrs J Smith (No. 158)	Mr K Pierce (No. 164)
Mr and Mrs Bergeson (No. 165)	Mr J Callaghan (No. 170)
Mr S Last (No. 171)	Mr Plank/Ms Foreshaw (No. 187)
Mr D Stewart (No. 191)	Mr and Mrs Robinson (No. 194)
Mr and Mrs Gallagher (No. 228)	

PROPERTIES:

No's. 1, 9, 11,16,27, 34, 54, 58, 62, 92, 94, 95, 107, 129, 132, 141, 158, 164, 165, 170, 171, 187, 191, 194, 228, Willow Park, Colliery Lane, Gladstone Way, Mancot, Deeside, Flintshire,

REASONS

1. Permission to appeal will only be granted where:
 - (a) The Tribunal wrongly interpreted or wrongly applied the relevant law;
 - (b) The Tribunal has taken account of irrelevant considerations, or failed to take account of relevant considerations or evidence, or there was a substantial procedural defect;
 - (c) The point or points at issue is or are of potentially wide implication.

The Appeal Application

2. By way of an application made by email on the 6th July the Respondents seek permission to appeal the decision of this Tribunal dated 19th June 2023. No appeal form has been completed. All we have received is a word document drafted by Mr Pierce which is unsigned and with a series of attachments.
3. Although no appeal form has been completed, we as a Tribunal were content to consider the appeal, which at this stage would be limited only to the question of permission to appeal.
4. In coming to our conclusion, we have considered all the points raised by the Respondent.
5. The thrust of the appeal can be found in paragraphs 1 to 7 of the above-mentioned document. They are in summary:
 - i. Despite a list of 83 names being presented to the Applicant as parties objecting to the proposed pitch fee increase the applicant only chose to make an application against 25.
 - ii. The Respondents allege that the applicant used 'delaying tactics' and on the day the increase was due sent a second letter to some parties who had initially objected to the increase.
 - iii. The applicant allegedly ignored any requests relating to the list of names provided by the qualified residents association and an increased amount was taken via direct debit.
 - iv. The respondents' case is that automatically taking the increased amount did not constitute agreement.
 - v. The removal of the car parking and the finding of this tribunal that it was a loss of amenity should apply to all as the respondents aver it has an effect upon all of the residents.

- vi. As a secondary position the respondents state that ‘as an absolute minimum, we would expect that those residents who can evidence through correspondence that they objected to the pitch fee (see appendix), but whom were charged via direct debit nonetheless and not included in the applicant's case, should be included in the decision to rebut the pitch fee”.

Reasons

6. In essence the Respondents are asking this Tribunal to rule that our decision of the 19th June 2023 applies to all 83 park home owners and not the 25 listed as Respondents, and in the alternative that the decision applies to all who can evidence objection.
7. The Respondents maintain that due to the fact the Applicant was initially served with a list of all the occupiers on the site this meant they were all party to the proceedings and as such the outcome applies to all. That clearly cannot be the case. As is agreed by the Respondents, park home pitch fees can only be increased in one of two ways. Firstly, by agreement between the parties and secondly in the event of disagreement by way of an application to this Tribunal. In the event that neither of the above apply the pitch fee is not increased.
8. Our jurisdiction and the impact of our decision relates only to applications before us.
9. The Applicant chose to issue applications against 25 of the 83 park home-owners. That was its prerogative.
10. If the remaining Park Home-owners who have never been Respondents in these proceedings wanted the issue of pitch fees determined by this Tribunal, they should have made their own applications to this Tribunal.
11. Whether or not agreement has been reached between the Park Home-owners who are not party to these proceedings, and the Applicant, is not something we can determine nor grant permission to appeal as it was never part of the original proceedings.

In the circumstances none of the matters relied upon by the Respondents amount to issues as identified in paragraph 1 of this Decision Notice which are capable of amounting to a ground of appeal. Accordingly, we consider the same to have no prospect of success and permission to appeal is refused.

Dated this 12th day of July 2023

Tribunal Judge
Trefor Lloyd

You may renew your application for permission to appeal to the Upper Tribunal (Lands Chamber). Your application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the RPT's notice of refusal was sent to you. (Details as to the power of the Upper Tribunal (Lands Chamber) to permit a notice of appeal or application for permission to appeal to be made outside the relevant time limit are given in the Upper Tribunal (Lands Chamber) "Explanatory Leaflet: A Guide for Users" obtainable from the Upper Tribunal (Lands Chamber)).

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