Y TRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL

References: RPT/0023/10/25 - RPT/0066/10/25

In the matter of an application for permission to appeal relating to applications for pitch fee reviews under Chapter 2 of Part 1 of Schedule 2 of the Mobile Homes (Wales) Act 2013 relating to a site known as Westover Park, Whitland, Carmarthenshire.

APPLICANT / Respondent to application for permission to appeal:
Wyldecrest Parks (Management) Limited

RESPONDENTS / Applicants for permission to appeal:
The occupiers of 44 mobile homes at Westover Park, notably of numbers 1-8, 10, 11, 18, 19, 22-28, 30, 32-39, 42-55, 59 and 60

Tribunal: Judge M. Hunt

Decision date: 19 May 2026

DECISION

1. Permission to appeal is refused.

REASONS

Introduction

1. On 29 April 2026, on application from the site owner (the "Owner"), the Tribunal determined new pitch fees relating to a number of pitches at the mobile home site known as Westover Park, Whitland, Carmarthenshire, SA34 0AH (the "Site"). The Respondents to that application occupy those pitches and seek permission to appeal the Tribunal's decision (I will refer to them in this decision as the "Occupiers" and that decision as the "Decision").

2. The Tribunal has determined this application "on the papers", which is the basis on which permission to appeal applications usually proceed, unless there are good reasons otherwise – there were not in this case.

3. The Occupiers raised several grounds. The Tribunal will take them in turn, in accordance with the numbering in the application.

4. Before doing so, the following general points are noted. Firstly, it is unhelpful to cite authorities without appreciating their context or reading them fairly as a whole. It is also unhelpful to indicate that authorities include certain passages where that doesn't appear to be so – for example in relation to *Wyldecrest Parks (Management) Limited v Whiteley and Others* [2024] UKUT 55 (LC). Secondly, there is no requirement to cite authorities in a decision, even when raised by the parties. What matters is that decisions are lawfully made, applying the correct principles. The Tribunal cleared recorded the principles on which it based its decision. They were not arguably wrong nor are they inconsistent with the authorities to which the Tribunal has been referred.

Ground 1

5. The Tribunal did not restrict its consideration of the evidence, as the Occupiers' own excerpts of the Decision demonstrate (paragraphs 18-19). The Tribunal rightly identified that its primary task was to determine whether to change the Occupiers' pitch fees with effect from the review date of 1 March 2025. The Tribunal focussed on the evidence it considered most relevant, which related to the period 1 March 2024 to 28 February 2025. It addressed that evidence, finding that the only significant matter that arose related to water pressure. It did not consider, for instance, certain lighting or gate failures to be significant (Decision paragraphs 24 and 29). It clearly also considered matters that arose prior (office and CCTV removal). It found them not to have constituted a meaningful reduction in services or amenity such as to affect its decision. Matters of weighing evidence are quintessentially for the Tribunal and not amenable to appeal. It also took account of the previous poor pond maintenance but noted that it was a distinct issue addressed by a previous Tribunal, which the Occupiers were no longer pursuing.

6. The Tribunal also referred to events post-dating the review date and that they could be relevant to its determination. It found that they were not especially relevant in this case and might be better considered in the context of a future pitch fee review.

7. The authorities referred to by the Occupiers focus on issues that arose prior to the relevant review dates. As explained above, the Decision is consistent with those authorities, including *Marigolds Management Limited v Karen Barnes & Others* [2026] UKUT 186 (LC), which decision was promulgated around 2 weeks after the Decision.

8. An appeal on this ground would therefore have no real prospects of success. There is no other compelling reason to allow an appeal to proceed as matters about which the Occupiers are mostly aggrieved arose after the review date and can be considered in relation to future pitch fee reviews. Accordingly, there is no basis on which to grant permission to appeal.

Ground 2

9. There is nothing in this ground as the Tribunal proceeded precisely as the Occupiers submits it should. It considered whether the evidence demonstrated a gradual decline in management standards and/or site condition and found it did not. In reaching conclusions, it referred back to this issue, demonstrating it did not fail to consider it (e.g. Decision paragraphs 24 and 29). A disagreement on the weighting of evidence does not indicate an error of law and permission to appeal was accordingly refused.

Ground 3

10. The Occupiers have failed to fairly read paragraph 17 of the Decision (and the Decision generally) fairly and as a whole. The Tribunal accepted evidence may not be to any special standard (and that objective evidence may not exist at all) but stated that it must have some evidence as to past standards to support an argument that they have declined. It specifically stated it would apply its own expertise and experience in attempting to judge that. Ultimately, the Tribunal found that a statement that they had declined, with reference principally to isolated matters, most of which were recent, was insufficient to support such a general finding. That is a decision to which it was entitled on the evidence presented. Again, this amounts to a challenge to the weighting of evidence and accordingly permission to appeal is refused.

Ground 4

11. In relation to service or amenity changes that take place years prior to a review date, so long as they have not been previously taken into account, the Tribunal accepted that they could be relevant to its decision as to whether to change a pitch fee and its amount. This is a correct statement of the law, in line with the authorities referred to by the Occupiers. In practice, it is not always easy to assess the contribution of any specific service to a site or its amenity. This ground of appeal ultimately amounts to a challenge to the Tribunal's conclusions on whether two specific matters should affect the new pitch fees. They were (1) the removal of an office on Site and (2) the removal of CCTV around the entrance gate, both taking place in or around 2022.

12. The Tribunal's task was to determine whether either amounted to a meaningful reduction in the services supplied to the Site and/or amenity, such that either or both should impact the determination of the new pitch fees.

13. In relation to (1), the Tribunal concluded that a physical office itself was not a significant service or amenity. It was the Site manager's office, but not dedicated exclusively to the management of the Site itself (he performed various duties other

than managing the Site). It was not always open. The Tribunal considered that reliable access to a manager was the service or amenity that mattered. That existed until at least the review date, so did not affect its determination of the new pitch fees. This was a conclusion that a reasonable Tribunal could reach.

14. In relation to (2), people acting reasonably can have differing views as to the importance of CCTV (however limited). The Tribunal did not believe that CCTV should necessarily be considered a significant amenity, the loss of which should always be reflected in a new pitch fee. Of course, in relation to certain sites, it may well be. To determine whether the Site was one of those such locations, it drew assistance from the Occupiers' (and, more generally, the Site residents') contemporaneous reactions to its removal. There were none. The Tribunal was clearly permitted to take into account the uncontested absence of CCTV for several years in concluding on the facts of this case that it was not an important service or amenity at the Site, liable to affect a new pitch fee. (The same consideration applied to the removal of the office referred to in (1), albeit it was a rather more subsidiary consideration.)

15. Judgments must be proportionate in length and detail. The Tribunal need not address every issue comprehensively and exhaustively. I should therefore add now that the previous Tribunal decisions referenced in paragraph 16 of the Decision include several pitch fee reviews relating to the Site (all since the CCTV was removed in or around 2022). None of them referenced the removal of CCTV as an amenity issue, despite one considering numerous others – at paragraph 10.5 of decision RPT/0002/04/24, the Tribunal summarises the occupier's complaints as relating to flooding, inadequate refuse removal, inadequate lighting and poorly placed notices (in addition to the poor maintenance of the pond, which was the main issue).

Grounds 5 and 6

16. These are impermissible challenges to the Tribunal's determination of the extent to which an identified issue (loss of water pressure) should be reflected in the new pitch fees. The Tribunal took relevant factors into account in reaching a decision (Decision paragraph 31). There is no good reason to grant permission to appeal.

Ground 7

17. As a matter of generality, the Tribunal is entitled to rely on evidence obtained from a site inspection and that demonstrates no error of law, such that permission to appeal should be refused.

18. In any event, and perhaps of most relevance, the Tribunal's Site inspection played a very limited role in its decision due to the nature of the dispute relating to issues

that could not readily be investigated on such an occasion. In paragraph 20 of the Decision, the Tribunal expressly recognised that its inspection was "*necessarily limited to the Site's status on the day of the inspection*".

Dated this 19th day of May 2026

Judge M. Hunt