



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

<b>Case reference</b>	:	<b>CAM/22UG/HIN/2018/0002</b>
<b>Property</b>	:	<b>Second Floor Flat, 17 Alexandra Road, Colchester CO3 3DB</b>
<b>Applicant</b>	:	<b>David Sharpe</b>
<b>Respondent</b>	:	<b>Colchester Borough Council</b>
<b>Type of application</b>	:	<b>Application for permission to appeal</b>
<b>Tribunal member(s)</b>	:	<b>Judge Wayte</b>
<b>Date of decision</b>	:	<b>30 August 2019</b>

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**DECISION REFUSING PERMISSION TO APPEAL**

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DECISION OF THE TRIBUNAL

1. The tribunal has considered the applicant's request for permission to appeal dated 19 August 2019 and determines that:
  - (a) it will not review its decision; and
  - (b) permission be refused.
2. In accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the applicant may make further application for permission to appeal to the Upper Tribunal (Lands Chamber). Such 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 First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.
3. The Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710); or by email: [lands@justice.gov.uk](mailto:lands@justice.gov.uk) .

#### REASONS FOR THE DECISION

4. Although the applicant sets out grounds of appeal they are effectively a restatement of his original case which was fully considered by the tribunal whose decision was based on the evidence before it. The applicant has raised no legal arguments in support of the request for permission to appeal.
5. The applicant requests further documentation including legal advice given to the council. It is too late to request disclosure now and in any event the applicant would not be entitled to see legal advice given to the council as it will be protected from disclosure by legal privilege.
6. The applicant also applies for a full refund of his application and hearing fees, amounting to £300. The tribunal's decision already gave him credit for the £200 hearing fee by reducing the council's claim for expenses by that amount. Given the determination that it was appropriate to serve the notice on 16 January 2017, there are no grounds for quashing the remaining expenses or making an additional order in respect of the application fee.
7. In the circumstances the tribunal considers that there is no realistic prospect of a successful appeal in this case.

**Name:** Judge Wayte

**Date:** 30 August 2019