



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

**Case Reference** : **CAM/33UG/PHC/2019/0005**

**Property** : Mile Cross Gypsy/Travellers' Site, Swanton Road,  
Norwich NR2 4NJ

**Applicant** : William Brazil (in person)

**Respondent** : Norfolk County Council

**Representative** : nplaw, Norwich [ref : Luke Parker]

**Type of Application** : by a park home occupier for determination of any  
question arising under the Mobile Homes Act 1983  
or agreement to which it applies [MHA 1983, s.4]

**Tribunal** : G K Sinclair

**Hearing date  
and venue** : Friday 18<sup>th</sup> October 2019 at Cambridge County Court

**Date of substantive  
decision** : 28<sup>th</sup> October 2019

**Date of this decision** : 3<sup>rd</sup> December 2019

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**DECISION REFUSING TO SET ASIDE THE TRIBUNAL'S  
SUBSTANTIVE DECISION DATED 28<sup>TH</sup> OCTOBER 2019  
AND REFUSING PERMISSION TO APPEAL**

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1. On 28<sup>th</sup> October 2019 the tribunal issued its decision following determination of this application following a hearing on 18<sup>th</sup> October 2019 at Cambridge.
2. On 14<sup>th</sup> November 2019 the tribunal received an application by Mr Brazil dated 10<sup>th</sup> November 2019 in which he requested "That the tribunal sets aside its decision (or part of it)." He admitted that he had been assisted in the preparation

of his application but stated that he was aware of the content. He did not clarify which was the “part” of the decision to which he referred in his letter.

3. Attached to his covering letter was a 12 page document claiming to be a statement by Mr Brazil, essentially re-arguing points that he had raised or could have raised earlier, including his claim – apparently rejected in the County Court – to be owed around £30 000 for water charges overpaid by (or reclaimed from) him when he had been acting as resident site manager. In this document he also confirmed that on 18<sup>th</sup> October 2019 he had been evicted from the gypsy and travellers’ site, a possession order having been granted by the County Court at Norwich as long ago as 12<sup>th</sup> April 2019.
4. On 17<sup>th</sup> November 2019, by email only, the applicant wrote to the tribunal and to the respondent as follows :

I wish the Tribunal's decision of 28 October 2019 to be stayed until the application for the Tribunal to reconsider its decision is determined. Following determination of the Tribunal's decision to reconsider it will make a decision if it is granting permission to appeal to the Lands Chamber. If the first tier Tribunal does not reconsider its decision I shall be making an application to the Upper Tribunal, and wish the 28 October 2019 decision to be stayed until the appeal process is completed.
5. By letter dated 18<sup>th</sup> November 2019 (received by email) the respondent opposed the applications for permission to appeal and for a stay.
6. The applicant has not formally applied for permission to appeal under rule 52(1); nor has he applied for a stay under rule 54. However, in the interests of justice and in order to avoid unnecessary delay, this decision shall also address these two issues.

### **Set-aside**

7. In his statement Mr Brazil again invites the tribunal to compel Norfolk County Council to challenge water bills levied against it by Anglian Water, a type of relief that lies outwith the jurisdiction of this tribunal.
8. He also challenges the costs awarded against him, alleging that nplaw is a firm which is not regulated by the Solicitors Regulation Authority and consequently unable to act other than as a Mackenzie friend, and thus unable to recover costs.
9. According to its website, however, “nplaw is registered with the Solicitors Regulation Authority as an in-house legal department (registration number 65083). Solicitors working at nplaw are regulated by the Solicitors Regulation Authority.” The applicant, or more likely the person purporting to assist him, is simply wrong.
10. The setting aside of a decision is governed by rule 51 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. The material parts of the rule provide :
  - (1) The Tribunal may set aside a decision which disposes of proceedings, or part of such a decision, and re-make the decision or the relevant part of it, if—

- (a) the Tribunal considers that it is in the interests of justice to do so; and
  - (b) one or more of the conditions in paragraph (2) are satisfied.
- (2) The conditions are—
- (a) a document relating to the proceedings was not sent to, or was not received at an appropriate time by, a party or a party's representative;
  - (b) a document relating to the proceedings was not sent to or was not received by the Tribunal at an appropriate time;
  - (c) a party, or a party's representative, was not present at a hearing related to the proceedings; or
  - (d) there has been some other procedural irregularity in the proceedings.
11. None of the above conditions apply, and the application to set aside the existing decision is therefore dismissed.

**Permission to appeal**

12. Rule 52(5) provides that the written application under paragraph (1) must :
- (a) identify the decision of the Tribunal to which it relates;
  - (b) state the grounds of appeal; and
  - (c) state the result the party making the application is seeking.
13. The applicant has failed to identify any errors of law or procedure by the tribunal, instead merely raising the issues referred to above. The applicant ignores the fact that, as the result of a concession by the respondent, the arrears of £1 007.29 were waived by it – so he need pay only the costs incurred by his failure to accept the respondent's offer and his decision to proceed unreasonably to trial. He also ignores the fact that he is not a representative claimant acting on behalf of the occupants of other pitches at the gypsy and travellers' site.
14. The tribunal has considered the application by the site owner for permission to appeal and determines that :
- a. it will not review its decision; and
  - b. permission be refused.
15. The tribunal is satisfied that, in accordance with the criteria adopted by the Upper Tribunal, there are no reasonable grounds for arguing :
- a. That the tribunal wrongly interpreted or applied the relevant law
  - b. That it took account of irrelevant considerations, or failed to take account of a relevant consideration or evidence, or
  - c. That there was a substantial procedural defect.
16. 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 proposed appellant 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.

**Stay pending appeal**

17. As permission to appeal has been refused the question of a stay becomes rather hypothetical, but it is proper to note that :
- a. Rule 54(2) requires a party seeking to stay the implementation of the whole or part of a decision to provide reasons for the application
  - b. The decision in this case was simply that the applicant owed arrears of water charges which the respondent had offered to waive, and that he pay the respondent's costs under rule 13(1)(b) because of his unreasonable conduct of the application
  - c. The applicant has provided no such reasons for his application
  - d. Had permission to appeal been granted the tribunal would nonetheless have rejected this application for a stay.

Dated 3<sup>rd</sup> December 2019

Graham Sinclair  
First-tier Tribunal Judge