



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

**Case Reference** : CHI/45UH/HPO/2020/0003

**Property** : 26 North Street, Worthing, West Sussex  
BN11 1DU

**Applicant** : Tony Maio & Derek Steel

**Representative** : -

**Respondent** : Adur and Worthing Councils

**Representative** : -

**Type of Application** : Appeal against Prohibition Order –  
Housing Act 2004

**Tribunal Member** : Judge E Morrison

**Dated** : 17 July 2020

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**DECISION**

**Refusing permission to make late appeal**

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1. By an application dated 9 June 2020 the Applicants sought to appeal against a Prohibition Order dated 31 December 2019.
2. Paragraph 10(1) of Schedule 2 to the Housing Act 2004 provides that an appeal must be made within 28 days beginning with the date when the Order was made. However under paragraph 10(3) the Tribunal “may allow an appeal after the end of 28 days if it is satisfied there is a good reason for the failure to appeal before the end of 28 days (and for any delay since then in making application for permission to appeal out of time)”.
3. The Applicants asked for permission to appeal out of time for reasons set out at paragraph 16 of the application. They said that “once we had absorbed the content we addressed all the matters raised except achieving the required standards as there is no way of making the flat any bigger. Due to that fact together with having converted the premises to the exact planning we had gained and as per the passed building regulations we had also gained so we did not think that we needed to make an appeal”. These reasons are not “good reasons” either for the failure to appeal in time or for the delay of over four months thereafter, but the Tribunal invited submissions from the Respondent Council in case there was some other relevant matter to consider.
4. The Council stated that while normally objecting to late appeals, the circumstances of this case (residential development under permitted development rights) were such that the Council would welcome a decision of the Tribunal to provide guidance. However, the Council did not provide any information which might justify the Applicants’ delay in making the appeal.
5. The wishes of the Council for guidance cannot override the clear statutory provisions. The reasons put forward by the Applicants are no justification whatsoever for the delay. There are not good reasons for the delay and accordingly the Applicants are refused permission to make an appeal out of time.

Dated: 17 July 2020

#### Appeals from this decision

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case.
2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

3. If the person wishing to appeal does not comply with the 28-day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.