



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

**Case reference** : **CAM/42/UG/MNR/2022/0083**

**Property** : **Studley House Melton Road,  
Melton, Woodbridge Suffolk  
IP12 1NH**

**Applicant** : **Rebecca Dunwoody**

**Representative** : **None**

**Respondent** : **Ms Jocelyn Saunders &  
Ms Noelle Gore  
(Landlords)**

**Representative** : **G&K Estates**

**Type of application** : **Application by the Appellant for  
permission to appeal**

**Tribunal** : **N. Martindale FRICS**

**Date & Venue** : **9 December 2022  
Cambridge County Court, 197  
East Road, Cambridge CB1 1BA**

**Date of decision** : **9 December 2022**

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**DECISION**

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## Decision

1. The Tribunal has received the tenant's application for a review and permission to appeal, dated and received 29 November 2022 and determines that:
  - (a) it will not review its decision of 7 November 2022 ('the Decision'); and
  - (b) permission to appeal, will not be considered.
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 respondent 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@hmcts.gsi.gov.uk](mailto:lands@hmcts.gsi.gov.uk)

## Reason for the Decision

4. The tenant's application form making an appeal states at section 5c *The tribunal took account of irrelevant considerations, or failed to take account of relevant considerations or evidence, or there was a substantial procedural defect.* In the text box below this, the applicant includes the following statements.
5. *"Under section 8 of the decision the tribunal stated that neither party provided details of properties to let or let at or around the time of the valuation date. I had submitted details of 5 properties available to let in this area at the time. Some properties have been let and some are still available but have been reduced in price, with the most similar reduced from £1,800pcm to £1,500pcm. None of the properties I submitted exceeded £1,900pcm rent. And:*
6. *In addition, under section 7 the tribunal has considered the Landlord has provided white goods to the kitchen, however this amounts only to a dishwasher. The fridge, freezer, washer and dryer are provided by myself, the tenant. And:*
7. *Furthermore, there does not appear to have been any consideration to the current condition of the property, namely the garden which is supposed to be maintained by the landlord, with references only made to its appearance in 2020.*

8. The Tribunal reviewed the contents of the unbound loose leaf 'bundle' received. It contained:
  9. 1. Printed formal reference of the case to the Tribunal from the Tribunal office to the Member.
  10. 2. Printed email from the landlord's agent to the Tribunal office "*Please find attached copies of documents as requested for the determination of a market rent case CAM/42UG/MNR/2022/0083..*"
  11. 3. Copy of the Directions to parties dated 26 September 2022 from Legal Officer Lyn Ajanaku.
  12. 4. Blank issued Reply Form for each party.
  13. 5. The completed 'Form 6' "*Application referring a Notice proposing a new rent under an Assured Periodic Tenancy...*" dated 26 August 2022, signed by the applicant.
  14. 6. The completed 'Form 4' "*Landlords notice proposing a new rent under an Assured Periodic Tenancy*" from £1700 to £1850 wef 31 August 2022, dated 28 July 2022.
  15. 7. Copy of an unsigned AST of the Property.
  16. 8. Copy of the CPI Annual Index from the ONS.
  17. 9. A 'Zoopla' 'Valuation' of the Property showing a 'Rental Estimate' of £2,050 pcm with a 'rental range' of £1,750 to £2,350 pcm.
  18. 10. An 'On the Market' 'Valuation' at October 2022 with an 'Estimated rent achievable per month' of £2,767 and an estimated range achievable per month of £2,014 - £3,519'.
  19. 11. Another copy of the unsigned AST for the Property.
  20. 12. The completed 'Reply Form' dated 10 October 2022 from the landlord. It refers to the 'white goods' of the 'cooker range' and 'dishwasher' as included in the letting.
  21. 13. An 87No. A4 page 'Inventory & Check-In Report'. It is marked as prepared 27 January 2020 and amended by the assessor on 28 January 2022. It was prepared by the Inventory Shop for the letting agent. It contains in excess of 200No. monochrome photographs of the interior and exterior of the Property. These include several which show a substantial freestanding gas fired 'Aga style' double sized stove and references a dishwasher. No mention is made of a fridge freezer, washer or drier being included in the let, by the landlord. The report comments on the construction, layout, finishes and condition of the interior and exterior of the property. Although the Inventory is signed by the assessor it is unsigned by either party.
  22. The Tribunal did not receive a completed 'Reply Form' from the tenant dealing with the Property.

23. No other documents were received by the Tribunal.
24. In light of this review of the case file, the Tribunal did not receive any details of any comparable properties let or to let from either party, as stated in the original decision on the market rent. This is contrary to the assertion made in the appeal form by the tenant and set out again at paragraph 5 above.
25. In light of the review of the references in the Inventory and in the Reply Form from the landlord, the Tribunal correctly only took account of the white goods, identified as the dish washer and the cooker range; no others. This is contrary to the assertion made in the appeal form by the tenant and set out again at paragraph 6 above.
26. In light of the review of the references to the condition of the property, the Tribunal correctly relied on the 'Inventory and Check In Report' prepared for both parties at the lease start, as the basis for assessing condition. No representations were received on the accuracy of the contents of this Report, especially regards the garden, from either party. This is contrary to the assertion made in the appeal form by the tenant and set out again at paragraph 7 above.
27. The Lands Chamber's Practice Direction, which came into force on 19 October 2020, says this at paragraph 10.14: *"Permission to appeal will be granted if the Tribunal considers that the proposed appeal has a realistic prospect of success, unless the sum or issue involved is so modest or unimportant that an appeal would be disproportionate. Permission may also be granted if the Tribunal considers there is some other good reason for an appeal."*
28. The decision will not be reviewed nor will an application for permission to appeal be considered. The refusal of a review and of consideration for granting permission to appeal is because there is no realistic prospect of success and there is no other good reason for an appeal.