



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

Case reference :
Property : 7 Clopton Park Wickhambrook
Newmarket CB8 8Nd
Applicant : Mr Paul Twist
Representative : -
Respondent : Mr Peter Howard
Representative : Hazells Chartered Surveyors
Type of application : Application for permission to appeal
Tribunal member(s) : Mrs E Flint FRICS
Venue : Cambridge County Court 197 East Road
Cambridge CB1 1BA
Date of decision : 5 January 2024

DECISION REFUSING PERMISSION TO APPEAL

DECISION OF THE TRIBUNAL

1. The tribunal has considered the applicant's request for permission to appeal dated 18 December 2023 and determines that:
 - (a) it will not review its decision; and
 - (b) permission be refused.
2. You may make a further application for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be made

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. Where possible, you should make your further application for permission to appeal on-line using the Upper Tribunal's on-line document filing system, called CE-File. This will enable the Upper Tribunal to deal with it more efficiently and will enable you to follow the progress of your application and submit any additional documents quickly and easily. Information about how to register to use CE-File can be found by going to this web address:
<https://www.judiciary.uk/wp-content/uploads/2023/09/20230927-PD-UT-Lands-Chamber-CE-File.pdf>
4. Alternatively, you can submit your application for permission to appeal by email to: Lands@justice.gov.uk.
5. The Upper Tribunal can also be contacted by post or by telephone at: Upper Tribunal (Lands Chamber), 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (Tel: 020 7612 9710).

REASONS FOR THE DECISION

6. The test for whether to grant permission to appeal is whether there is a realistic prospect of success.
7. In the present case, the tribunal does not consider that any ground of appeal has a realistic prospect of success.
8. For the benefit of the parties and the Upper Tribunal (Lands Chamber), the tribunal records below its comments on the grounds of appeal and any procedural points raised, adopting where appropriate the paragraph numbering of the original request for permission. References in square brackets are to those paragraphs in the main body of the original tribunal decision.
9. Mr Twist refers to familiarity between the case officer and Mr Oakes, the landlord's agent in correspondence. This had no bearing on my decision. I had not met or had any correspondence with the landlord's agent prior to arriving at the property.

Ground 1 Tribunal had discussion with the respondent and his agent outside the property

10. The landlord and his agent introduced themselves to me just after I climbed out of my car. They said they wished to be present at the inspection. I explained that based on the papers I understood that the applicant did not wish me to be accompanied on the inspection but that I would ask him if he was willing to let one or both of them into the house. I knocked at the front door and explained that the landlord and his managing agent had arrived and wished to be present at the inspection. I further explained that if neither was allowed to join the inspection then I would not be able to inspect internally. I stressed that

the inspection was not an opportunity to give evidence but that any defects which had been referred to in the written submissions could of course be brought to my attention.

11. Mr Twist agreed that the landlord could be present but not his agent and he asked the agent to leave.

Ground 2 Rental evidence

12. The landlord 's agent produced several comparables although none were in the immediate vicinity. The tenant did not produce any rental evidence. It is accepted that there was no evidence in the immediate vicinity. The Tribunal is required to do the best it can with the limited evidence. I had no particular property in mind when referring to my own general knowledge. I accepted that there is a demand for rural properties, and have valued many such properties, many will be in locations with limited amenities in the neighbourhood.

Ground 3 Condition of the property

13. I have taken into account the condition of the property when assessing the rent. I did not make any deduction for the vehicle parked on the neighbour's drive. I am of the opinion that the vehicle would not affect the rental value of the subject house.

Ground 4 Broadband speed

14. Many properties in rural areas have poorer internet connections than in built up areas. No evidence was produced to indicate that the broadband speed here would affect the rental value.

Ground 5 Garden/ pergola

15. I have not valued the property as if there was a pergola in the garden. Moreover, I understood that the tenant had agreed with the landlord that it did not need to be replaced.

Name: E Flint

Date: 5 January 2024