



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

**Case reference** : **LON/00BE/LRM/2023/0038  
LON/00BE/LRM/2023/0039**

**Properties** : **1. Costermonger Building;  
2. Ockham & Whitmore Buildings.  
Both part of “The Exchange, Grange Walk,  
London SE16”**

**Applicants** : **1. Costermonger Building RTM Company  
Limited  
2. Ockham & Whitmore Building RTM  
Company Limited**

**Representative** : **Paul Cleaver (Urang Property  
Management Limited)**

**Respondent** : **Notting Hill Home Ownership**

**Representative** : **Stephen Evans (Counsel) instructed by  
Devonshires Solicitors**

**Type of application** : **Right to Manage**

**Tribunal** : **Judge Robert Latham**

**Date and Venue  
of Hearing** : **2 August 2024 at  
10 Alfred Place, WC1E 7LR**

**Date of Decision** : **2 August 2024**

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**DECISION**

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## **Decisions of the Tribunal**

(1) On 20 November 2023, Costermonger Building RTM Company Limited was entitled to acquire the right to manage “Costermonger Building” pursuant to section 84(5)(a) of the Act, and this Applicant will acquire such right within three months after this determination becomes final.

(2) On 20 November 2023, Ockham & Whitmore Building RTM Company Limited was entitled to acquire the right to manage “Ockham Building and Whitmore Building” pursuant to section 84(5)(a) of the Act, and this Applicant will acquire such right within three months after this determination becomes final.

## **Reasons for Decision**

1. The Tribunal has received four applications, dated 5 October 2023, under section 84(3) of the Commonhold and Leasehold Reform Act 2002 (“the Act”) for decisions that, on the relevant date, the applicant RTM companies were entitled to acquire the Right to Manage (“RTM”). The premises are on an estate known as “the Exchange, Grange Walk”.
2. On 10 July 2023, the four RTM Companies served Claim Notices claiming the RTM on 20 November 2023:
  - (i) Costermonger Building RTM Company Limited claimed the RTM premises described as “Costermonger Building, Arts Lane and Spa Road, London SE16”;
  - (ii) Ockham & Whitmore Buildings RTM Company Limited claimed the RTM premises described as “Ockham & Whitmore Building, Arts Lane, Bakery Street & Limasol Street, London, SE16”;
  - (iii) Hepburn Building (1) RTM Company Limited claimed the RTM premises described as “Hepburn Building (1)”;
  - (iv) Hepburn Building (3) RTM Company Limited claimed the RTM premises described as “Hepburn Building (3)”.
3. By separate Counter-Notices, all dated 14 August 2023, the Respondent freeholder resisted the claims. Although not all the notices gave identical grounds for resisting the claims, two common issues were raised, namely
  - (i) Whether the premises over which the RTM is claimed are self-contained buildings or self-contained parts of buildings. In particular, the impact of the communal heating and hot water system.

- (ii) Whether the non-residential parts of the premises over which the RTM is claimed exceed more than 25% of the internal floor area of each Building.
4. On 27 October 2023, the Tribunal gave directions for these issues to be determined as preliminary issues. On 22 and 23 February 2024, the Tribunal conducted a two day hearing to determine the first issue. The Respondent had conceded the second issue. On 2 April 2024, the Tribunal issued its decision finding that:
- (i) “Costermonger Building” is a “self-contained building”;
- (ii) “Ockham Building and Whitmore Building” are a “self-contained building” in that the two buildings are structurally attached;
- (iii) “Hepburn Building (1) is neither a “self-contained building” nor “a self-contained part of a building”;
- (iv) “Hepburn Building (3)” is neither a “self-contained building” nor “a self-contained part of a building part”.
5. Hepburn Building (1) RTM Company Limited and Hepburn Building (3) RTM Company Limited subsequently sought to appeal the determinations in respect of Hepburn Building (1) and Hepburn Building (3). On 21 June 2024, the Upper Tribunal refused permission to appeal.
6. On 23 July 2024, Costermonger Building RTM Company Limited and Ockham & Whitmore Building RTM Company Limited issued an application for further directions for the determination of any outstanding issues in dispute. The Tribunal set this application down for a Case Management Hearing today. Mr Cleaver appeared for the Applicants and Mr Evans for the Respondent. They confirmed that there are no outstanding issues for this Tribunal to determine.
7. The Tribunal therefore makes a determination that these two RTM Companies will acquire the Right to Manage within three months after this determination becomes final. Neither party is likely to appeal this decision.
8. There is an outstanding issue of costs. If this cannot be agreed between the parties, it will be open to any party to issue a separate application for the determination of such costs.

**Judge Robert Latham**  
**2 August 2024**

## **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28 day time limit, such application must include a request for an extension of time and the reason for not complying with the 28 day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).