FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case reference	:	**LON/00AG/HML/2024/0001 (1)** **LON/00AG/HML/2024/0002 (2)** **LON/00AG/HML/2024/0003 (3)**
Property	:	**25 Minster Road, London NW2 3SG (1)** **7 Quex Road, London NW6 4PP (2)** **5 Quex Road, London NW6 4PP (3)**
Applicant	:	**Mr. Bilesh Joshi.**
Representative	:	**Mr Madge-Wyld of counsel**
Respondent	:	**London Borough of Camden**
Representative	:	**Mr Mold of counsel**
Type of application	:	**Appeal against the grant of HMO Licences.**
Tribunal members	:	**Judge Prof R Percival** **Mr S Wheeler MCIEH, CEnvH**
Venue and date of hearing	:	**10 Alfred Place, London WC1E 7LR** **5 September 2024**
Date of decision	:	**11 November 2024**

DECISION

Decisions of the tribunal

(1) The appeal in relation to 25 Minster Road is dismissed;

(2) The appeal in relation to 5 Quex Road is allowed;

(3) The appeal in relation to 7 Quex Road is dismissed, but the licence is varied to exclude the space described as studio flat 1.

The appeal

1. The appellant appeals against the grant, to him, of House in Multiple Occupation (HMO) licences in respect of the three properties listed above, by forms dated 4 November 2024.

2. The relevant statutory provisions referred to may be consulted at: https://www.legislation.gov.uk/ukpga/2004/34/contents.

The background

3. The Appellant owns the freehold of the three properties.

4. Directions were given on 27 March 2024.

5. The Appellant failed to adhere to the directions, and in particular did not provide his bundle by 10 May 2024. On 7 June 2024, an unless order was made by Judge Nicol, requiring the bundle by 21 June 2024 on pain of striking out. The bundle was provided in time, but did not include an expert's report, the Appellant applying for an extension of time in which to include it, in the light of the illness of the expert. On 14 July 2024, the Appellant requested a further extension of time, stating that the report would be available in a matter of days. On 30 July 2024, the case was reviewed by a legal officer, as a result of which the case officer wrote to the Appellant requiring that he explain his failure, and why the application should not be struck out. On 6 August 2024, the Appellant applied for an adjournment of the hearing date, and (in a letter dated 5 August) responded to the Legal Officer's queries. In doing so, he related that he had instructed a Mr Hannent as an expert witness. Mr Hannent had inspected the buildings on 30 April 2024, but had then failed to produce a report

6. On 13 August 2024, Judge Martinski refused the application for an extension of time. In the reasons given for the order, the Judge set out that the Appellant had stated that he was satisfied with the expert report that had already been obtained, and went on to say that he was "ready to seek an additional report from an Expert Witness who may be more convincing, more believable and more suitable to the Tribunal and the

Respondent." The Judge observed that it was not for the Tribunal or the Respondent to approve the Appellant's expert evidence in advance of the hearing.

7. The Appellant applied again to set aside the date on 27 August 2024. That application was refused by Judge Walker on 29 August 2024. The reasons refer to what the Appellant said in his previous application and related that he "now states that this statement was in error and that the reports he seeks to rely on are far from satisfactory and that the entire property was not inspected". Judge Walker goes on to state "this should have been apparent to the Applicant at the time of his previous application, yet this is not what he said at that time. In any event, there has been no change in the situation since 6 August 2024 save that yet more time has passed. The Applicant's evidence is the same as it was then, and the Respondent continues to be ready to proceed."

The hearing

Introductory

8. Mr Madge-Wyld represented the Appellant. Mr Mold represented the Respondent.

9. In the papers, Mr Joshi explained that it was his view that the three properties were not liable to HMO licencing. He had applied for licences for the three properties, and then appealed against the grants, in order to challenge the Respondent's conclusion that the properties required HMO licences. Doing so was, he considered, the only way that he could make that challenge without putting himself at risk of criminal liability.

10. The Respondent had determined that the properties were HMOs on the basis of section 257 of the 2004 Act, as converted blocks of flats. Section 257 provides as follows

> (1) For the purposes of this section a "converted block of flats" means a building or part of a building which–
> (a) has been converted into, and
> (b) consists of,
> self-contained flats.
>
> (2) This section applies to a converted block of flats if–
> (a) building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and
> (b) less than two-thirds of the self-contained flats are owner-occupied.
>
> (3) In subsection (2) "appropriate building standards" means–
> (a) in the case of a converted block of flats–

(i) on which building work was completed before 1st June 1992 or which is dealt with by regulation 20 of the Building Regulations 1991 (S.I. 1991/2768), and
(ii) which would not have been exempt under those Regulations, building standards equivalent to those imposed, in relation to a building or part of a building to which those Regulations applied, by those Regulations as they had effect on 1st June 1992; and

(b) in the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984 (c. 55).

(4) For the purposes of subsection (2) a flat is "owner-occupied" if it is occupied–

(a) by a person who has a lease of the flat which has been granted for a term of more than 21 years,

(b) by a person who has the freehold estate in the converted block of flats, or

(c) by a member of the household of a person within paragraph (a) or (b).

(5) The fact that this section applies to a converted block of flats (with the result that it is a house in multiple occupation under section 254(1)(e)), does not affect the status of any flat in the block as a house in multiple occupation.

(6) In this section "self-contained flat" has the same meaning as in section 254.

11. In his initial application form, and his subsequent extended reasons (provided for in the directions), Mr Joshi argued, first, that all the properties had been converted in compliance with the relevant standards. Secondly, he argued that the decision making as to licensing should not take into account three flats (two in 5 Quex Road and one in 7 Quex Road) which were unoccupied, and could not be occupied as a result of prohibition orders.

Submissions: basis for the hearing

12. Mr Madge-Wild made submissions presaged by his skeleton argument. He explained that Mr Joshi had only sought legal advice at a late stage.

13. As to the jurisdiction for the appeal, Mr Madge-Wyld referred us to section 71 and schedule 5, paragraph 31 of the 2004 Act:

"The applicant or any relevant person may appeal to the appropriate tribunal against a decision by the local housing authority on an application for a licence –

(a) To refuse to grant a licence, or

(b) to grant a licence."

14. The Appellant, Mr Madge-Wyld submitted, had an express right to appeal against a grant of a licence to himself. The Appellant was entitled

to use this right to contest the HMO status of his properties in order to test the legal position without putting himself at risk of criminal prosecution.

15. As to how the hearing should proceed, first, Mr Madge-Wild explained that, given the state of the evidence available, there was no real prospect that the Appellant could show that the Respondent's decision that the conversion of the buildings was not in compliance with the relevant building regulations (and remained so) was wrong. As that was the only basis for the appeal in relation to 25 Minster Road, Mr Madge-Wyld accordingly would not positively pursue that appeal. That appeal was not, however, sought to be withdrawn, and the Appellant reserved his position on an appeal on the basis of procedural unfairness in respect of the refusal of the Appellant's application(s) for an adjournment.

16. Accordingly, the hearing should continue on the basis of submissions as to the law in relation to the second basis for the appeal, which did apply to 5 and 7 Quex Road, that HMO licences were not required for those buildings.

17. Mr Madge-Wyld noted the approach set out by the Court of Appeal in *Waltham Forest LBC v Hussain* [2023] EWCA Civ 733, [2024] K.B. 154, and in particular the references to the Tribunal giving the decision of the local authority great respect and according it considerable weight, and not making a decision afresh on the evidence before it. That did not, however, he submitted, apply to a purely legal argument that an HMO licence was not necessary in particular circumstances, which was his position in relation to the two Quex Road properties.

18. Mr Mold, in his skeleton argument, had quoted the relevant passage in *Hussain*, but at the time that it was composed, Mr Mold had assumed that the building control issues were still live before us. Mr Mold continued to rely on the way in which *Hussain* characterises the issue before the Tribunal – was the Respondent wrong to grant the licences – but in the context of the nature of the challenge (as we set out in our summary of his submissions). We did not understand him to contest Mr Madge-Wyld's core point, which was that the high degree of respect which the Tribunal should accord to a local authority's decision making did not apply to a legal, as opposed to factual or factual-evaluative, decision making.

19. In any event, we accept that argument. A high level of respect to a primary decision maker is appropriate where the decision maker finds facts and makes evaluative judgements based on those facts. We do not consider it relevant to a purely legal argument, and that is not the basis upon which the Court in *Hussain* came to the conclusion that it did.

Submissions: are HMO licences required (5 and 7 Quex Road)?

20. It is helpful to set out the layout of the properties at the outset. 5 and 7 Quex Road are next to each other, adjacent to the corner of Quex Road and Kingsgate Road. On the ground floor of both are self-contained commercial premises accessed from Quex Road. Access to the flats is via a yard accessed from Kingsgate Road, from which doors give onto the stairs serving the flats in the two properties.

21. In each case, the flight of stairs goes down to two studio flats (numbered 1 and 2 in both cases); and each flight of stairs goes up to a two storey maisonette, two bedroomed in the case of 7 Quex Road, three bedroomed in number 5. The flat in number 5 is itself licenced as an HMO, as it meets the criteria for the self-contained flat test (section 254 of the 2004 Act).

22. Both studio flats in number 5 are subject to prohibition orders made under Housing Act 2004, part 1, and cannot be occupied. One of the flats in number 7 is also subject to a similar prohibition order (studio flat 1). The other flat is not, and is occupied.

23. It was agreed that the properties lie in an additional licence scheme area requiring all HMOs to be licenced.

24. Mr Madge-Wyde referred us to section 254(5) – "… a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in schedule 14" (which includes a section 257 HMO); and schedule 14, paragraph 7, which specifies as such a building or part of a building one occupied by only two persons in two households. He submitted that it must follow that a separate part of a building which does not satisfy any of the tests does not comprise an HMO.

25. As to section 257 HMOs, Mr Madge-Wyde referred us to *Sutton v Norwich County Council* [2020] UKUT 90 (LC), where it was said that it was probable that it was a necessary requirement that the flats within it were available for occupation as a residence, quoting part of paragraph [66]. That paragraph as a whole reads:

> "Against that background it is striking that, to be an HMO of any type other than a section 257 HMO, the relevant premises must be intended to be occupied by someone 'as a residence'. That requirement suggests a definite policy choice to limit the scope of local authority responsibilities and to exclude the sort of temporary accommodation which had been found to come within the 1985 Act. The same expression is not found in section 257 itself, but it appears to us probable that it is also a necessary requirement of a section 257 HMO, as a building which consists of 'self-contained flats' less than two-thirds of which are 'owner-occupied', that those flats are available for occupation as a residence. The definition of self-contained flat in section 254(8) refers to the facilities which must be available

> for the exclusive use of its 'occupants', which, having regard to the definition in section 262(6), means persons who occupy the premises 'as a residence', and as tenants or licensees."

Mr Madge-Wyld relied particularly on the last sentence.

26. Section 257, Mr Madge-Wyld argued, requires that, to be a converted block of flats, there must be more than one flat. The section uses "self-contained flats" in the plural. In addition, since individual flats in a section 257 HMO can themselves be liable to licencing (section 257(5)), this interpretation does not create a lacuna in the licensing regime – a single flat was subject to licencing as a self-contained flat under section 254.

27. Further, Mr Madge-Wyld put emphasis on the fact that a section 257 HMO must "*consist* of self-contained flats". That means it must only be made up of self-contained flats, not merely *include* (more than one) flat along with other accommodation. It can include premises appurtenant to a flat (section 77 – "references to an HMO include (where the context permits) any yard, garden, outhouses and appurtenances belong to, or usually enjoyed with it (or part of it).").

28. Mr Madge-Wyld contrasted the use of the word "consist" in section 257 with "contain" in, for instance, section 254(4), the converted building test, which refers to a possible situation in which there is both living accommodation that does not consist of a self-contained flat, and in addition *contains* a self-contained flat or flats as well, but cannot be made up only of self-contained flats.

29. Accordingly, each address as a whole cannot be a section 257 HMO, because both are made up of (consist of) commercial premises as well as the residential flats, Mr Madge-Wild submitted.

30. Number 5, then, consists of a single self-contained flat, a commercial premises, and an unused basement. If the upper floors had been converted into two flats, then that part of the building would be a section 257 HMO, but since it is only one, it cannot.

31. As to number 7, in the first place, the whole address cannot be required to be licenced because it contained commercial and unoccupied residential premises.

32. Nor, Mr Madge-Wyld argued, could any part of number 7 meet the section 257 test. A licence may not relate to more than one HMO. He relied on a concession by counsel in *Northumberland Mews Ltd v Thanet DC* [2022] UKUT 179 (LC), [2022] H.L.R. 43 that two self-contained flats that were several floors apart could not "consist of" a part of a building. The concession (which Judge Cooke did not decide was right or wrong, that not being necessary for her decision) was, Mr

Madge-Wyld argued, legally correct, and applied where, as here, there were two self-contained flats on different floors in between which there was a commercial premises. It could not be said that the flats formed a distinct and identifiable part of a building that had been converted into, and consisted only of, the flats.

33. Mr Mold took us to the grounds of appeal, which, the building regulations issues aside, refer only to control and jurisdiction over areas that are empty. He argued that Mr Madge-Wyld's submission were not therefore relevant to the appeal. The question on appeal, as it was put in the Appellant's original documentation, is whether the absence of occupation takes the properties outside the scope of section 257.

34. Accordingly, Mr Mold did not think the issue as to what did or did not form part of a building is before us. It is not relevant whether people are occupying or not.

35. Further, he referred to the test in *Hussain*, and submitted that what we were being asked to decide was whether, when the Appellant applied for the licences, the local authority was wrong to accede to his applications.

36. As to the relevance of the non-occupation of the studio flats, that, Mr Mold argued, should take into account the context in which the licences were granted. In the relation to 7 Quex Road, the licenses were for five years (one year for 5 Quex Road). People might apply for licences before they were ready for them to be occupied. The fact that there was a prohibition notice in place did not mean that that would be the case indefinitely. It might be lifted if appropriate works were done. Further, Mr Mold argued, the Appellant might not abide by the prohibition order – he might decide to take the hit on being prosecuted for breach of the order in order to achieve the rental income while escaping prosecution for a licence offence. Just because at a particular time, a property was not an HMO did not mean that the local authority was wrong to grant the licences.

37. In his application, the Appellant did not refer to an intention not to occupy the relevant studio flats, Mr Mold submitted, he merely adverted to the prohibition orders. It cannot be the case, M Mold argued, that whether a property is intended to be occupied as an HMO is determinative of whether it is in fact an HMO or not. It was implicit that, if someone applied for a licence, they wanted it for a reason. The Appellant asked for a licence, the local authority gave him a licence – that could not be wrong.

38. We put it to Mr Mold that, if what he said was the case, then the fact that Parliament had provided for an applicant for a licence to appeal against the grant of a licence would be nugatory. He said that that was not the case. He gave the example of a licence granted for two properties at the

same time. If the licence was of no use or was fundamentally unlawful, the right to appeal could properly be exercised.

39. Turning to Mr Madge-Wyld's submissions, Mr Mold said that the argument made by Mr Madge-Wyld as to the use of the plural "flats" in section 257 was premised on his assertion that the flats subject to prohibition orders did not count, which Mr Mold contested for the reason given above.

40. Mr Mold contested Mr Madge-Wyld's interpretation of the word "consists" in the definition of a section 257 HMO. If Mr Madge-Wyld's exclusive reading was right, Parliamentary counsel would have drafted the section to read that the property "only consists" of self-contained flats. Further, if that interpretation was right, then what would otherwise be a section 257 HMO would lose that quality if the landlord reserved one room, for instance to keep tools in. That would create a loophole which could be exploited by landlords.

41. As to "part of a building", Mr Mold submitted that on a fair reading, both the basements and the maisonettes do form a single "part of a building". It was inappropriate to build a case on the basis of a concession in a case in which we do not know the full details of the layout (referring to *Northumberland Mews Ltd v Thanet DC*). It was possible to envisage a building where there were separate entrances to flats on different floors where it would be much easier to conclude that flats on those floors were not the same part of a building. That was not the case here, where there was a common entrance leading to the stairs to both the basement and the upper floors. What was clearly separate here was the commercial premises, access to which was completely separate and distinct.

Determination: are HMO licences required (5 and 7 Quex Road)?

42. We consider first Mr Mold's arguments as to what we should consider.

43. We reject Mr Mold's argument that the issues relating to statutory construction generally, and specifically to what can and cannot be a part of a building, was not properly before the Tribunal. The issue is clearly put in Mr Madge-Wyld's skeleton argument. We were told that the skeleton arguments were not exchanged until the previous afternoon (albeit Mr Madge-Wyld said that his skeleton was available the day before, had exchange taken place then).

44. First, the Tribunal is reluctant to deal with a purely legal pleading point in this way, when both parties have instructed counsel. Counsel would often be prepared to deal with an opposing counsel's argument on the sort of notice that Mr Mold had had in this case. But if they were not, then we would have heard and adjudicated on an application for an adjournment, or an application for the parties to submit further

submissions in writing after the close of the hearing. Neither application was made in this case.

45. Secondly, we think it is reasonable to characterise the bulk of Mr Madge-Wyld's submissions as relating to why the unoccupied nature of the studio flats subject to prohibition notices , which had been adverted to all along, makes a difference. The final element in Mr Madge-Wyld's argument related to the use of the notion of a part of a building as it related to his earlier argument as to the proper construction of section 257, which could be said to be at a further remove from the original assertion that unoccupied/unoccupiable space did not count. But that was a point that, in our view, Mr Mold was wholly able to address.

46. Finally, in respect of whether we should hear these arguments or not, as we go on to explain, we do not agree with Mr Madge-Wyld's approach to what is or is not part of a building, so excluding that element of Mr Madge-Wyld's argument – to which Mr Mold's submissions principally related – would not, as it turns out, disadvantage the Respondent anyway.

47. We also reject Mr Mold's argument that the local authority was not wrong to grant the licences when they were requested just because the property did not happen to be an HMO at that moment in time. It was accepted by both parties (and is accepted by us) that, in the normal and proper course of events, a landlord will apply for a licence for a property before it is an HMO by virtue of the occupation criteria, because he or she intends that it will become one when let it to the requisite number of people, following the grant of a licence. There was, Mr Mold said, no difference between that situation and that here.

48. We do not agree that the two situations are equivalent. In this case, if the Appellant's case was right, it would have been impossible in the current legal state of affairs – the existence of the prohibition orders – for the properties to have been lawfully let as HMOs. It would be equivalent to a local authority issuing a licence to a property containing rooms below the statutory minimum size, for a number of occupants that would satisfy the criteria for an HMO. It seems to us that such a case is wholly different from that of a landlord seeking a licence in advance of occupation.

49. It seems to the Tribunal that at some points, the implication of how Mr Mold put the case was that the *degree* of unlawfulness of use as an HMO was relevant to whether the local authority should grant a licence. He referred to examples where he said the granting of a licence was fundamentally unlawful, such as where an application for one licence covered six properties. We do not think that an argument along these lines is sustainable, either on legal or policy grounds. It is not clear to us what possible criterion could work to distinguish between unlawful use of an HMO that would attract refusal of a licence and unlawful use which would not.

50. Rather, in our view, if the legal situation in relation to the prohibition orders were to change, by the Appellant formally applying for the orders to be discharged (having undertaken the necessary work), then that would be the time for the local authority to grant an application for a licence.

51. Neither is it legitimate for a local authority to grant a licence on the assumption that the landlord will break the law by breaching the prohibition orders.

52. Finally as to the "he asked for a licence so we gave him one" argument, it is relevant that the Appellant had made it clear in previous correspondence with the Respondent that he denied that the properties were capable of being section 257 HMOs, and he also made it clear that that was his contention in his representations following the application. Mr Mold suggested that that was not determinative, because at that time the argument as to building control compliance was the more important consideration. While we accept that that was the case, nonetheless the Appellant was also, at that time, using the non-occupation argument, which, as we indicate above, contains sufficient to put the Respondent on notice of the relevance of non-occupation to the section 257 HMO criteria. It follows that we accept Mr Madge-Wyld's submissions as to the proper use of the right of an applicant for a licence to appeal against a grant.

53. Turning to the proper construction of section 257, we accept Mr Madge-Wyld's submissions. In our view, the core ordinary meaning of "consist" is exclusive. The addition of "only" is unnecessary. While it is true that the meaning of words, including in a statute, are to a degree context-specific, we see nothing to exclude what we consider the core meaning, and we accept Mr Madge-Wyld's argument contrasting "contains" and "consists". Further, if a section 257 HMO could comprise a self-contained flats and living accommodation that was not a self-contained flat, we would expect the drafting to follow a similar pattern as that used in the converted building test (section 254(4), which makes it quite clear that that form of HMO can include non-self-contained flat accommodation. Finally, the title of the section – "certain converted blocks of flats" – is at least strongly indicative of Mr Madge-Wyld's position. It is not apt to describe a building containing a single flat.

54. We reject Mr Mold's argument that the reservation of a single room (Mr Mold's tool store) would allow a landlord to escape section 257 HMO status. As our professional member pointed out in the hearing, the "part of a building" provision could deal with that.

55. We also accept Mr Madge-Wyld's argument that to constitute a section 257 HMO, the building or part of a building must contain at least two flats. The section so states by using the plural in subsection (1). Where the drafter means "flat or flats", he or she says so, as in section 254(4).

56. We also broadly accept Mr Madge-Wyld's contention in reliance on *Sutton v Norwich County Council* that to be a self-contained flat, premises must be intended to be occupied. We add that in this context, the criterion really amounts to whether the premises are *capable* of occupation, rather than that they are intended to be occupied. It appears to us foundational that a self-contained flat must at least be (lawfully) capable of occupation.

57. These conclusions are sufficient for us to allow the appeal in relation to 5 Quex Road. Properly understood, there was one and only one self-contained flat, the maisonette. Even if (as we think correct) the basement and the maisonette are to be considered a single part of the building, the basement studio flats do not constitute self-contained flats as defined in section 254(8).

58. However, we reject Mr Madge-Wyld's submissions as to "part of a building" in favour of Mr Mold's.

59. We were not referred to any authority on the meaning of "part of a building" in this legislation. We agree with Mr Madge-Wyld's observation that the law in relation to other contexts such as the right to manage, in which more extensive definitions or different terms are provided, are not helpful. At one point, Mr Madge-Wyld said that what constituted a part of a building in this context was ultimately a matter of impression, and we agree with that.

60. We do not think that counsel's concession in *Northumberland Mews Ltd v Thanet DC* assists us greatly. It is not, of course, authoritative. The concession related to two flats which were "several floors" apart. As Mr Mold says, there was no further indication of the exact context envisaged by the concession, including in terms of access, common parts, the use to which the intervening floors (in the plural) were put, and so forth.

61. Here, we have a building with four floors, three of which are used for residential purposes (in one case, in part). They are connected by stairs and (small) common parts (which count, being appurtenant to the flats – section 77(b)).

62. While the fact that the physical spaces occupied by the flats are physically connected by the stairs and common parts is not determinative, it is relevant to the impression of a single part, at least where the floors are not far apart. We contemplated the position where a basement and the first floor comprised flats, and the ground floor had a flat at the rear and a shop, with a separate entrance, at the front. In that case, it seems very clear to us the vertical stack of flats would amount to a single part of the building. In the case of 7 Quex Road, the pattern is the same, except that the connection bridging the ground floor is the appurtenant stairs rather than a flat. A less strong connection, perhaps, but one going towards the same conclusion, nonetheless.

63. While access, again, cannot be determinative, it contributes to an impression. In this case, all of the residential elements of the building are accessed in one way, through a large common yard, and a small common area inside the ground floor door. The commercial unit is accessed quite separately. If the maisonette was accessed from the front of the property by its own stairs, and the basement from the rear, for instance, the impression of two residential parts of the building would be stronger, but that is not the case.

64. Ultimately, standing back, our clear impression is that the building comprises two parts, a commercial part and a residential part.

65. Given this conclusion, 7 Quex Road includes a part of the building comprising two self-contained flats – the maisonette and the occupied studio flat. That part of the building is subject to licensing as a section 257 HMO.

66. The space described on the plan as studio flat 1 is subject to a prohibition order, and, for the reasons we give above, is therefore not a self-contained flat for the purposes of section 257. As such, it is not an element of the residential part of the property, and not subject to licensing.

67. We therefore dismiss the appeal in relation to the grant of a licence to 7 Quex Road, but vary the licence to exclude the space referred to as studio flat 1.

Rights of appeal

68. 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 London regional office.

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

70. If the application is not made within the 28 day time limit, the 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 these reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.

71. The application for permission to appeal must identify the decision of the Tribunal to which it relates, 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.

Name: Judge Professor R Percival **Date:** 11 November 2024