FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference	**:**	**BIR/41UC/HNA/2023/0035**
Property	**:**	**60 Uxbridge Street Burton on Trent DE14 3JU**
Applicant	**:**	**Habib Mushtaq**
Representative	**:**	**None**
Respondents	**:**	**East Staffordshire Borough Council**
Representative	**:**	**Lauren Sheffield - solicitor**
Type of application	**:**	**An appeal against a Financial Penalty - Section 41 & Schedule 13A to Housing Act 2004.**
Tribunal member	**:**	**Judge C Goodall** **Mr A McMurdo MCIEH**
Date and place of hearing	**:**	**23 October 2024 by video hearing**
Date of decision	**:**	**21 November 2024**

DECISION

Decision

The Tribunal confirms the financial penalty imposed upon the Applicant by the Council by a notice dated 10 October 2023 in the sum of £1,345.38.

Background

1. On 10 October 2023, East Staffordshire Borough Council ("the Council") served a Final Notice ("the Notice") imposing a financial penalty of £1,345.38 on Habib Mushtaq ("the Applicant") for being a person having control of or managing the property at 60 Uxbridge Street, Burton-on-Trent ("the Property") which is required to be licensed under Part 3 of the Housing Act 2004 ("the Act") but is not so licensed.

2. The Applicant appealed the Notice. The appeal was received on 6 November 2023. Directions were issued requiring both parties to prepare a statement of case and a bundle of documents in support of their case. Both did, and the Tribunal had an Applicant's bundle running to 36 pages and a bundle from the Council running to 244 pages.

3. The appeal was heard by video on 23 October 2024. The Applicant represented himself. The Council was represented by their solicitor, Ms Lauren Sheffield. Its witnesses were Ms Elizabeth Daykin, a senior selective licensing officer, and Ms Rachel Liddle, who is an environmental health manager.

4. This decision sets out our decision on the appeal and our reasons for reaching that decision.

The issues

5. On an appeal against a financial penalty, it is necessary for the Tribunal to firstly determine whether the Council has established beyond reasonable doubt that the Applicant has committed a criminal offence; in this case an offence under section 95 of the Act. If so, the Tribunal must then determine whether and if so, what penalty should be imposed.

Law

6. The relevant provisions of the Act, so far as this case is concerned are in section 79 – 100 (which is Part 3 of the Act) and in section 249A and Schedule 13 of the Act. The significant provisions are -

79 Licensing of houses to which this Part applies

(1) This Part provides for houses to be licensed by local housing authorities where—

(a) they are houses to which this Part applies (see subsection (2)), and

(b) they are required to be licensed under this Part (see section 85(1)).

(2) This Part applies to a house if—

(a) it is in an area that is for the time being designated under section 80 as subject to selective licensing, and

(b) the whole of it is occupied either—

(i) under a single tenancy or licence that is not an exempt tenancy or licence under subsection (3) or (4)…

85 Requirement for Part 3 houses to be licensed

(1) Every Part 3 house must be licensed under this Part unless—

(a) it is an HMO to which Part 2 applies (see section 55(2)), or

(b) a temporary exemption notice is in force in relation to it under section 86, or…

(c) a management order is in force in relation to it under Chapter 1 or 2 of Part 4.

95 Offences in relation to licensing of houses under this Part

(1) A person commits an offence if he is a person having control of or managing a house which is required to be licensed under this Part (see section 85(1)) but is not so licensed.

(2) …

(3) In proceedings against a person for an offence under sub-section (1) it is a defence that, at the material time-

…

(b) an application for a licence had been duly made in respect of house under section 87,

and that … application was still effective.

(4) In proceedings against a person for an offence under subsection (1) or (2) it is a defence that he had a reasonable excuse—

(a) for having control of or managing the house in the circumstances mentioned in subsection (1), or

(b) for failing to comply with the condition, as the case may be.

249A Financial penalties for certain housing offences in England

(1) The local housing authority may impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person's conduct amounts to a relevant housing offence in respect of premises in England.

(2) In this section "relevant housing offence" means an offence under—

...
(c) section 95 (licensing of houses under Part 3),
...

(3) Only one financial penalty under this section may be imposed on a person in respect of the same conduct.

(4) The amount of a financial penalty imposed under this section is to be determined by the local housing authority, but must not be more than £30,000.

(5) The local housing authority may not impose a financial penalty in respect of any conduct amounting to a relevant housing offence if—

(a) the person has been convicted of the offence in respect of that conduct, or

(b) criminal proceedings for the offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.

(6) Schedule 13A deals with—

(a) the procedure for imposing financial penalties,

(b) appeals against financial penalties,

(c) enforcement of financial penalties, and

(d) guidance in respect of financial penalties.

...

SCHEDULE 13A Financial penalties under section 249A

Appeals

10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against—

(a)the decision to impose the penalty, or

(b) the amount of the penalty.

(2) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined or withdrawn.

(3) An appeal under this paragraph—

(a) is to be a re-hearing of the local housing authority's decision, but

(b) may be determined having regard to matters of which the authority was unaware.

(4) On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice.

(5) The final notice may not be varied under sub-paragraph (4) so as to make it impose a financial penalty of more than the local housing authority could have imposed.

7. Schedule 13A includes detailed provisions concerning the procedure to be used before a Final Notice is issued. Those are not set out above as no point was raised on that procedure by the Applicant and there were no apparent breaches of that procedure evident to the Tribunal. Paragraph 10 of Schedule 13A is set out as it provides the scope and powers of the Tribunal on an appeal.

8. When considering how to exercise its powers under paragraph 10(4) of Schedule 13A, the Tribunal are to start from the Council's policy which underlies the decision to issue the Financial Penalty Notices and apply it as if we are standing in the shoes of the original decision-maker, giving proper consideration to arguments that we should depart from the policy; that, in doing so, we are required to pay proper attention to the decision under challenge and the reasoning behind it, although we can and should depart from the policy in certain circumstances, such as where it had been applied too rigidly; that the burden lies with the Applicant to persuade the tribunal to depart from the policy and, in considering that matter, the tribunal has to look at the objectives of the policy and ask itself whether those objectives would be met if the policy were not followed; and that, further, the tribunal is carrying out a rehearing, not a review, and while the original decision of an elected authority carried a lot of weight, the tribunal could vary the decision if, having given it that special weight, it disagreed with the Council's conclusion (taken, in essence, from the headnote to the report at [2020] 1 WLR 3187 of the case of *Waltham Forest London Borough Council v Marshall*)

The Facts

9. The facts, as they appear from the bundles of documents provided and the evidence we heard, are as follows.

10. The freehold of the Property has been owned by the Applicant since 2003. At one time, he occupied it as his home.

11. On 30 May 2022, the Council issued a Public Notice designating Uxbridge Street in Burton upon Trent as a street that would become subject to selective licensing under the Act on 12 September 2022.

12. On 26 August 2022, the Applicant granted a monthly shorthold tenancy to a tenant at a rent of £630.00 per month.

13. The Council's evidence (which we accept) is that letters were sent to all properties affected by the designation in June 2022. The scheme came into effect on 12 September 2022.

14. We are reluctant to find that the Applicant knew of his obligation to licence the Property on 12 September 2022. The letter posted to the Property may well not have been passed on to him by the tenant. We were provided with no evidence of any publicity campaign promoting the selective licensing scheme. What is well known to Council officials does not automatically become known to general members of the public.

15. There is a reference in a letter adduced in evidence by the Applicant from his electrician, which was provided to explain delay in obtaining an electrical safety certificate, which contains the sentence:

    "Mr Mushtaq contacted me in September 2022 to carry out and supply an Electrical Safety Certificate due to it being a legal requirement for the Selective Licence Application."

16. In his oral evidence, the Applicant denied that he knew of the selective licensing scheme in September 2022 and explained his electrician's comment by saying his electrician was referring to a general awareness in September 2022 of the probability that the Property would be subject to selective licensing eventually, rather than an acceptance that he realised the scheme was actually in place from September 2022. In his oral evidence, he confirmed that he was aware of the scheme by December 2022.

17. In fact, the electrician was not able to quote for an Electrical Installation Condition Report ("EICR") until January 2023 and was not able to carry out the work to produce the report until the end of April 2023.

18. On 27 January 2023, Ms Daykin received a complaint from the tenant of the Property about its condition. She and a colleague inspected the Property on 9 February 2023 and identified a number of defects. They had

also, by that date, established that there was no Electrical Performance Certificate ("EPC") in place at that time.

19. On 13 February 2023, Ms Daykin hand delivered to the Applicant's home address a letter notifying him that the Council had not received an application to licence the Property under the selective licensing scheme. The letter contained the following paragraph, in bold type:

    "Failure to obtain a licence will be an offence under section 95(1) of the Housing Act 2004 liable on conviction of an unlimited fine and may also result in a Management Order being made for the property which could result in you losing any rental income. In addition, application may be made for a rent repayment order requiring the repayment of rent or housing benefit."

20. A second letter dated 13 February 2024 was also hand delivered to the Applicant's home address notifying him that a formal inspection of the Property would take place on 1 March 2023.

21. Ms Daykin said that the Applicant rang her following receipt of the 13 February 2024 letters and in the course of that conversation she explained to the Applicant that he needed to make an application for a licence.

22. The Applicant's evidence is that by 17 February 2023 he had obtained an EPC and a gas safety certificate for the Property.

23. On 1 March 2023, the Council inspected the Property. The Applicant attended that inspection. Ms Daykin's evidence (which we accept) was that in the course of conversation at the inspection, she carefully explained the selective licensing scheme.

24. On 14 March 2023, Ms Daykin wrote a second letter to the Applicant following up on her letter of 13 February 2023 specifying the need to apply for a licence. This letter contained the same warning as had been included in the 13 February 2023 letter regarding the consequences of failure to apply for a licence.

25. The Applicant denies receiving this letter dated 14 March 2023.

26. On 16 March 2023, the Council wrote to the Applicant to follow-up on the inspection carried out on 1 March 2023. That letter contained a schedule of works required in order to remove any hazards at the Property which would affect the health and safety of the current occupants or their visitors. The Applicant was required to provide two documents to the Council, being:

    a. A gas safety certificate, and

    b. An EICR.

27. The letter also identified hazards (as defined under the Housing Health and Safety Rating System introduced in Part 1 of the Act) of excess cold, damp and mould growth, falls on level surfaces, falling on stairs, falling between levels, electrical hazards, fire, personal hygiene, drainage and sanitation, and structural collapse and falling elements. The Applicant was told that the hazards should be remedied under prescribed timescales ranging from one month to five months. No formal notice under Part 1 of the Act was issued then (or to the knowledge of the Tribunal since). The Council considered that informal resolution was adequate.

28. The 16 March 2023 letter contained the following paragraph:

> "The dates for works to be completed are stated in the attached Schedule. <u>If works are not completed by that date or to a suitable standard then formal enforcement action may be taken against you. If enforcement action is taken, then a charge will be issued for the action taken</u>."

29. The Applicant's case is that he was in constant discussion with the Council after the 13 February 2023 letter, and the inspection on 1 March 2023, about getting the necessary documents in place in order to submit an application for a licence. He did not have an EICR and his electrician was behind with his work. He was able to obtain one at the end of April 2023. He then submitted an application for a licence on 5 May 2023 by sending it by post.

30. The Council's case is that they never received an application on or about 5 May 2023.

31. On 15 May 2023, Ms Daykin hand delivered another letter to the Applicant pointing out that no application for a licence had been received and providing the warning about the consequences of failure to apply for a licence as had appeared in the 13 February 2023 letter, and giving a deadline of 24 May 2023 for an application to be made. She made a contemporaneous entry in a notebook she keeps of her daily activities confirming hand delivery through the letter box of the Applicant's home address.

32. The Applicant denies receiving the letter of 15 May 2023.

33. On 20 June 2023 the Applicant sent copies of the EICR and gas safety certificates the Council had required in their Schedule of Works sent to the Applicant on 16 March 2023 by an email to the Council manager handling the building works required. The Council's response indicated that the application for a licence was still outstanding. The applicant responded by saying "I sent this a few weeks ago". This prompted an email from Ms Daykin dated 26 June 2023 informing the Applicant that no application for a licence had been received. She said that enforcement action was now being considered and invited the Applicant to an Interview Under Caution (which did not take place).

34. On 27 June 2023, the Applicant hand delivered a completed application for a selective licence in respect of the Property. One question on the form had not been answered and clarification was requested from the Applicant. This was provided on 5 July 2023, on which date the Council regarded the application for a licence as complete, subject to receipt of the fee (which had not been demanded at that point). The fee was received on 23 July 2023.

35. On 24 July 2023, a Notice of Intent to issue a financial penalty was sent to the Applicant. Representations were invited and provided. A Final Notice was issued on 24 August 2023.

36. The Final Notice recited the factual basis upon which the notice was being issued, including reference to the three occasions on which the Council had written to the Applicant advising that the Property required a licence, namely the correspondence identified in this account of the facts, dated 13 February 2023, 14 March 2023, and 15 May 2023. The first and third, the Final Notice said, were "hand delivered to your home address", with the address itself then being inserted. Unfortunately, the two addresses were not the same. The first address, in the letter dated 13 February 2023 was correctly identified as the Applicant's address; the second address was not the Applicant's home address.

37. Realising this error, the Council started the process required by Schedule 13A of the Act afresh, by issuing a new Notice of Intent on 5 September 2023 and a new Final Notice on 10 October 2023. This time there was no error on the Final Notice.

38. There appears to have been no formal withdrawal or recission of the first set of Notices (Notice of Intent and Final Notice) issued by the Council.

39. At the hearing, the Council confirmed to the Tribunal that they regarded the first set of notices as void. The Applicant was asked whether he wished to make any legal submissions regarding the validity of the 10 October 2023 Final Notice. He told us he did not.

40. The Council granted a licence to the Applicant on 19 December 2023.

The Council's financial penalty policy

41. The Council provided a copy of its Housing Enforcement Policy version 4 dated September 2022. It confirms (para 5.13.2) that its policy on fixing the amount of a financial penalty is set out in its Guide to Calculating Civil Penalties which is based on the policy developed by Nottingham City Council.

42. That policy follows a four stage process:

    a. Stage 1 - Determine the penalty band

b. Stage 2 - Determine whether and how much to add to a penalty as a result of the landlord's income and track record

c. Stage 3 - Add the two figures together

d. Stage 4 - Add any financial benefit the landlord has obtained from committing the offence.

43. Determining the penalty band (Stage 1) is a two-step process, in which the Council assesses the culpability of the offender against four categories of very high, high, medium, and low. Aggravating or mitigating factors can affect the allocation of culpability, so it is clearly a matter of judgement rather than pure calculation.

44. Medium culpability is appropriate in these circumstances:

"Offender fell short of their legal duties in a manner that falls between descriptions in "high" and "low" culpability categories

Systems were in place to manage risk or comply with legal duties but these were not sufficiently adhered to or implemented."

45. The second step in Stage 1 is an assessment by the Council of the Seriousness of the Harm Risked. Offences are put within one of three levels, being levels A, B, and C.

46. Level A is for cases where the sum of the seriousness of harm risked would meet the guidance for Class I and Class II harm outcomes in the Housing Health and Safety Rating System.

47. Level B is used where the seriousness of harm risked would meet the guidance for Class III and Class IV harm outcomes in the Housing Health and Safety Rating System.

48. Level C is for all other cases.

49. A two by two matrix then allocates a numerical score between 1 and 5, with an extra band called 5+, described as a penalty level, depending on the assessment of culpability and seriousness of harm risked. A table then sets a penalty band for each penalty level. The penalty band for a 5 or 5+ penalty level is £15,000 - £30,000. A penalty level of 2 gives a penalty band between £1,200 - £3,000.00.

50. Stage 2 takes into account the landlord's weekly income, in order to add a proportion of it to the penalty. For penalty levels 5 and 5+, the policy considers all the offender's income from whatever source. For other penalty levels, only income from the property where the offence occurred will normally be taken into account. The weekly income is then multiplied up by a factor that relates to the penalty level. For a 5+ penalty level, 600% of the weekly income is added to the amount selected as the appropriate penalty within the penalty band. For a penalty level of 2, 100% of the

weekly income is added to the penalty. The appropriate percentages are graded within these percentages.

51. Stage 2 also provides that the penalty can be increased with a weighting increase to reflect the offender's track record. Nine questions are asked about convictions, enforcement proceedings, and similar. The answer to those questions produces a numerical score. The penalty is then increased by a determined percentage as set by a table of appropriate percentage increases against that numerical score. There was no weighting increase applied in these proceedings.

52. Stage 3 is merely a stage in which the penalty amounts from stages 1 and 2 are added together, but it does also cap the penalty, if the amounts added together exceed the upper limit of the penalty band, to that upper limit.

53. Stage 4 provides that the penalty will be increased by any financial benefit the landlord may have obtained by committing the crime. Calculation of the benefit is done on a case by case basis. Examples of how to calculate for certain offences are given.

Calculation of the financial penalty in this case

54. At Stage 1, the Council assessed culpability level in this case as medium and the harm level as Level C. This is a level 2 penalty. Applying these categories to the matrix of financial penalties produced the lowest starting point of £1,200.00. Stage 2 required an addition of 100% of one weeks rent, namely £145.38. The total penalty was therefore £1,345.38.

The Applicant's case

55. The Applicant's grounds for asking the Tribunal to allow his appeal appear to the Tribunal to fall into three headings:

    a. From the first contact with the Council on 13 February 2023 he was doing everything the Council asked of him. The Council misled him into believing that he did not have to apply for a licence until all the works the Council required were completed;

    b. He was not able to submit an application for a licence until he had an EICR in place. It is a reasonable excuse for delay that his electrician was not able to prepare an EICR until the end of April 2023;

    c. He is of good character, takes his responsibilities seriously, and was attempting to ensure the Property was of a good standard. He should not be criminalised for these efforts.

56. At the hearing, the Applicant relied in particular on the letter he received from the Council dated 16 March 2023. He said he was confused by the reference in that letter to enforcement, and he mixed up enforcement of the Council's requirements to carry out works with enforcement of his obligation to apply for a licence.

Discussion

57. Our first task is to determine whether we are persuaded, beyond reasonable doubt, that the Applicant committed an offence under section 95 of the Act. That requires us to be satisfied that the Property is a house, that the Applicant is a person having control of it or managing it, and that it requires a licence.

58. As the Applicant is the freehold owner of the Property and is named as the landlord in the tenancy agreement to whom the rent is to be paid, there is no doubt that he is the person in control of or managing the Property. It is apparent that it is a house, not least from the photograph we have been supplied with. There is no doubt that the Council have designated the Property as one falling within a selective licensing scheme. All these main elements of the offence are made out.

59. The issue for us is whether the Applicant may have a reasonable excuse for not applying for a licence from the date the scheme started on 12 September 2022 until his application was regarded as duly made by the Council on 5 July 2023.

60. We cannot be certain that the Applicant was aware of the selective licensing scheme on 12 September 2022. We have not been provided with evidence of the marketing and public information campaign by the Council prior to that date, nor of how the scheme was flagged on the Council's website. We do consider it is incumbent upon property investors to keep themselves abreast of the law as it applies in the area in which they invest, but even the best systems cannot incorporate a continuous check, and we are conscious that the Applicant's mind during the summer of 2022 was more focussed on his mother's ill health.

61. Contrasting with this, we tend to think the Applicant's electrician's letter suggested the Applicant was aware of the scheme in September 2022. Nevertheless, and giving the Applicant a generous benefit of the doubt, we are prepared to accept the Applicant's evidence that he was not fully aware that he needed a licence for the Property until December 2022.

62. We accept Ms Daykin's evidence that she reinforced the requirement for a licence on three occasions between December 2022 and 1 March 2023; once in the telephone call with the Applicant on or after 13 February 2023, once in the letter dated 13 February 2023, which the Applicant has not disputed receiving, and once at the meeting at the Property on 1 March 2023.

63. Unfortunately, we cannot make a finding that the 14 March 2023 letter was received by the Applicant. There is no certificate of posting, and all Ms Daykin was able to say is that the letter went to the Council's post room. The Applicant denies ever seeing it.

64. We do however find that the letter dated 15 May 2023 was delivered to the applicant's home address. There is highly reliable evidence to that effect from Ms Daykin's own testimony, supported by the contemporaneous corroborative evidence in her notebook.

65. In both the letters of 13 February and 15 May, there is a clear and stark warning of the obligation to apply for a licence and the consequences of failing to do so. We cannot accept that the Council's letter of 16 March 2023 concerning the works they required on the Property would have caused any confusion in the mind of the Applicant as to his obligation to licence the Property. The Applicant appeared to us from his written and oral evidence to be an articulate and intelligent person. We consider that it was very clear that the obligation to licence the Property was a separate and distinct requirement from the obligation to put it into proper condition. Both those aspects were being handled by different Council personnel and operated under different legal provisions. The Applicant could and should have made himself aware of the distinction.

66. Dealing with the Applicant's suggestion that he could not apply for a licence without an EICR, we do not accept this was the case. Firstly, he could easily have submitted the application forms (he elected to make a written rather than an electronic application) and provided a covering letter explaining the absence of the EICR. Secondly, and in the light of the warning that he was committing a criminal offence during the period before submission of his application, the Applicant could have persuaded his electrician to carry out the work more urgently or instructed another electrician. After all, his electrician provided a quote in January 2023.

67. We cannot therefore accept that delay in obtaining an EICR could or should have prevented the making of a licence application. This cannot be a reasonable excuse. After all, the obligation to possess an EICR has been law since 1 June 2020 in respect of new tenancies (see the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020).

68. What are we to make of the Applicant's evidence that he sent off an application for a licence on 5 May 2023? Unfortunately, he provided no copy of that application, did not obtain a certificate of posting, and did not chase up receipt of it.

69. Tellingly for us, as we were convinced that the Council's letter of 15 May 2023 was hand delivered to the Applicant's house, he did not immediately contact the Council on receipt to provide another copy of the application. On the balance of the evidence, we are not persuaded that he did send an application on 5 May 2023.

70. The application for a licence was submitted on 27 June 2023 and appears to have been substantially complete on that date, barring resolution of a few details.

71. The Applicant, in law, should have applied for a licence by 12 September 2022, when the scheme came into force. Our finding is that he did not do so until 27 June 2023. We have indicated above that he may not have been aware of the scheme until December 2022. He should therefore have applied then. And in our view there was certainly no reasonable excuse for him not to have applied by the end of February 2023.

72. In fact, he did not submit his application until the end of June 2023. There is, in our view, no reasonable excuse for this delay.

73. We do not accept that the Applicant was doing everything that the Council asked of him. That was the basis upon which he asked the Tribunal to find that his appeal should be granted. Leaving aside the strong argument that he should not have to be asked to apply for a licence in any event, the Council did ask him to apply for a licence in February 2023, and he did not do so for some four months.

74. We do not need to decide whether the Applicant was committing the offence for a longer period – i.e. from 12 September 2022, or from December 2022. Commission of the offence for at least four months is a serious matter.

75. We recognise that the Applicant is of previous good character and well thought of in his community. However, in our view that is not a relevant factor when considering whether an offence is made out. The offence is being in control of the Property without a licence. Whether that offence is made out does not depend on the Applicant's character.

76. **We therefore find the offence under section 95 of the Act is made out**.

77. We now turn to consideration of the amount of the financial penalty.

78. We are aware that the policy adopted by the Council bears a substantial similarity to the policy adopted by Leicester City Council, which was subjected to some judicial criticism in *Leicester City Council v Morjaria* [2023] UKUT 129 (LC). In that case, the Upper Tribunal were concerned that Stage 1 of the policy (which considers culpability and harm caused) does not adequately allow the Council to take account of the seriousness of the offence.

79. In our view, the financial penalty imposed in this case is relatively modest and does not need to be adjusted to take any account of the seriousness of the offence.

80. Whether the Council's policy matrix is entirely in alignment with the Guidance on Civil Penalties published by the MHCLG in 2018 does not have a material impact in this case, as the end result produced by the application of the Council's policy in this particular case is fair and just, in our view.

81. We are required to give considerable weight to the Council's policy and only depart from it if we consider that the policy has not been applied too rigidly, and in this case, we agree with the Council's conclusions on the appropriate financial penalty to impose.

82. For the above reasons, our decision is to confirm the financial penalty imposed upon the Applicant by the Council by a notice dated 10 October 2023 in the sum of £1,345.38.

Appeal

83. Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal, and stating the result sought by the party making the application.

Judge C Goodall
First-tier Tribunal (Property Chamber)