FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL PROPERTY)

Case reference	**:**	**CAM/33UD/HMR/2023/0001**
Property	**:**	**St George Hotel, Great Yarmouth, NR30**
Applicant	**:**	**Oxford Hotel Investments Ltd**
Representative	**:**	**Mr Shabbir Gheewalla, Director**
Respondent	**:**	**Great Yarmouth Borough Council**
Representative	**:**	**Mr Lowens, solicitor**
Date of Application	**:**	**17 November 2023**
Type of application	**:**	**Appeal against HMO declaration, pursuant to s.256(4) Housing Act 2004.**
The Tribunal	**:**	**Tribunal Judge S Evans** **Mr Roland Thomas MRICS**
Date/ place of hearing	**:**	**24 November 2024,** **By remote video**
Date of decision	**:**	**21 January 2025**

DECISION

The Tribunal confirms the decision of the Respondent not to revoke the HMO declaration.

REASONS

Background

1. This is an application which brings an appeal pursuant to s.256(4) Housing Act 2004 against a HMO declaration made by the Respondent.
2. The Property has operated both as a hotel taking holidaymakers and contract workers and others, and housed persons who are local authority referrals for a number of years. For example, during lockdown (the coronavirus pandemic) the Property was exclusively engaged in providing accommodation to vulnerable clients of the Respondent. From July 2021 onwards, the Property continued to provide that service, but not exclusively.
3. On 27 February 2023 the Applicant was incorporated as a company, with Mr Shabbir Gheewalla as a director, and on 1 April 2023 the Applicant succeeded Vermount Ltd as the operator of the Property. Mr Gheewalla had been involved in the management of the Property in one way or another from October 1998.
4. It would appear that on 8 September 2023 there was a complaint made in relation to the Property to the Respondent's planning section, to the effect that the Property was being operated as a house in multiple occupation (HMO).
5. On 4 October 2023 an inspection took place by various officers of the Respondent. Given that 32 of the 62 rooms were being occupied as homeless emergency accommodation, and in light of its use, the Respondent council made a decision on the following day that the Property was being run as an HMO.
6. On 10 October 2023 the Respondent made a formal declaration that the Property was an HMO, pursuant to section 255(2) of the Housing Act 2004. They hand-delivered letters to that effect to the Property, addressed variously to Vermount Limited, the Applicant, and the freeholder of the Property.
7. On 12 October 2023 Vermount Limited requested the Respondent revoke its decision. This plea was repeated on 22 October 2023.
8. On 23 October 2023 the council confirmed its decision by letter that the Property was an HMO, applying the "standard test" in section 254 of the Act. As such, on the same day, the council made a notice of refusal to revoke its decision, which was sent to Vermount Limited, the Applicant and the freeholder.

9. Various emails then took place between the Applicant and the Respondent in late October 2023 and early November 2023, but the Respondent would not change its mind as to its decision.

10. On 17 November 2023, the Applicant made the present application to the Tribunal, pursuant to section 256(4), which provides that a person who applies to a Local Housing Authority for the revocation of an HMO declaration may appeal to the Tribunal against the decision of the authority to refuse to revoke the notice.

11. Directions were sent out by the Tribunal on 27 August 2024, and evidence has been adduced by from both parties.

12. On 27 September 2024 the Tribunal wrote to the Respondent in respect of the Application, indicating that it would expect the Respondent to produce its policy regarding housing of asylum seekers and other occupants of the Property.

13. On 27 September 2024, the Tribunal procedural judge dismissed an application by the Applicant to join the Secretary of State and the Local Government Association to this application. The Applicant made an application to appeal that refusal, on 14 October 2024, which was refused in the first instance by the Tribunal procedural judge, Regional Judge Wayte.

Issues

14. The following were identified by the Tribunal procedural judge as the issues:

    1) Did the Property meet the test of a HMO?

    2) Was the procedure for the HMO declaration valid?

    3) Was the decision to refuse to revoke the declaration appropriate?

15. As noted below, these issues were refined at the outset of the hearing.

The Inspection

16. The Tribunal inspected the Property on the morning before the hearing took place. Of the rooms which had been inspected by the council on 4 October 2023, the Tribunal viewed just a selection, namely rooms 208, 310, 220, 111, 211, "2" and B4. The Tribunal was unable to get access to room 112, as it was being occupied at the time of its inspection.

17. The inspection did not shed light upon the precise condition of each room at the date of the inspection by the Respondent on 4 October 2023, but the following were noted as being common to each room as seen by the Tribunal (except room 220): each contained a fridge, a microwave, a shower and wash hand basin and WC (which were en-suite to the bedroom area), and a microwave oven. Room 220 did not have any WC or shower. None of the rooms seen had any food preparation area, or storage for cutlery/crockery.

The Hearing

18. The Applicant attended in person, assisted by his cousin Hassan Sheikh, and the Respondent was represented by Mr Lowens, an in-house solicitor.

19. At the outset of the hearing, the Tribunal raised the question as to whether or not it should determine whether the Property was a HMO on 5 October 2023 or instead 23 October 2023. The Tribunal also asked whether it was being invited to proceed on the basis that there had been no change in occupation between those 4 October 2023 and 23 October 2023. The parties agreed that the Tribunal should consider the material date to be 5 October 2023 (based on the inspection the day before), and to assume that there had been no change of occupation between that date and 23 October 2023 in any event. Accordingly, the Tribunal indicated that it did not need to consider the many years of use and occupation of the Property prior to October 2023.

20. The Respondent confirmed that it was taking no point on the Applicant's failure to have appealed the HMO declaration of 10 October 2023, given that it had made an appeal in relation of the notice of refusal to revoke that decision.

21. The Applicant then made an oral application that the Respondent's witnesses sit outside the hearing room whilst others called by the council were giving evidence. The Tribunal did not consider that appropriate, given that this was not a case concerning criminal proceedings or quasi criminal proceedings.

22. The Respondent indicated it would be calling Mr Alger, Ms Tilley, Mr Hall, and Ms Holland to confirm their written statements. It further confirmed that it would not be calling Mr Johnson, and would not be relying on his written evidence.

23. The Tribunal, with the Applicant's agreement, invited the Respondent to open its case and call its evidence first, given this was a rehearing of the Respondent's decision.

The Respondent's case

24. The Respondent's case was that the Property met the meaning of "house in multiple occupation" pursuant to the standard test set out in section 254(1)(a) of the Housing Act 2004.

25. This provides (so far as is material):

> *"254 Meaning of "house in multiple occupation"*
>
> (1) For the purposes of this Act a building or a part of a building is a "house in multiple occupation" if—
>
> (a)it meets the conditions in subsection (2) ("the standard test");
>
> …
>
> (2) A building or a part of a building meets the standard test if—
>
> (a)it consists of one or more units of living accommodation not consisting of a self-contained flat or flats;

(b)the living accommodation is occupied by persons who do not form a single household (see section 258);

(c)the living accommodation is occupied by those persons as their only or main residence or they are to be treated as so occupying it (see section 259);

(d)their occupation of the living accommodation constitutes the only use of that accommodation;

(e)rents are payable or other consideration is to be provided in respect of at least one of those persons' occupation of the living accommodation; and

(f)two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities."

26. The Respondent's case was that on its inspection no room was self-contained, the Property was not occupied by a single household; the majority of the persons therein occupied the Property as their only or main residence; the occupation of the living accommodation constituted the only use of that accommodation; that rents were payable (by the Respondent and other councils by way of housing benefit) for at least one of those persons in occupation; and the living accommodation was lacking in one of the basic amenities mentioned in the Act, namely "cooking facilities" (see s.254(8) for the definition).

27. The Respondent further relied on section 255(2) insofar as it modifies section 254, to argue that the occupation by persons who did not form a single household as the living accommodation constituted a "significant use" of that accommodation. On the inspection day, 32 of the 62 rooms in the Property had been seen to be occupied by persons satisfying the standard test, and this was a significant use (being more than half). It was ventured by the Respondent that even 1/3 occupation would have been significant.

28. The Respondent's case was that the rooms did not have "cooking facilities" because there existed only the ability to reheat a meal using a microwave. There was no worktop to prepare meals, no separate water supply (apart from the wash hand basin/shower) in order to wash food and utensils, and no place to store such utensils or crockery. The Respondent contended that it would be inappropriate to wash items in the shower or wash hand basin.

29. The Respondent argued that it was the occupants' "only or main residence" because the Property was what they considered home for the time being; and being homeless Applicants, they had no other home.

30. The Respondent further relied on the housekeeping record, which it emphasised included a record of 1 room occupied by the Applicant's builder Mr Bultrowicz (room 220) for a period of one week while he was undertaking a job, which room had no WC or shower, such that he would have had to have shared those basic amenities. The builder fell within the definition of standard

test, the Respondent contended, because the consideration for his occupation was the building services he was providing for the Applicant.

31. The Respondent called Mr Alger to give evidence. He confirmed his statement in writing, and was asked questions by the Applicant. He accepted that the Respondent, as a public authority, had a duty to act rationally, with procedural propriety, and in a transparent manner. He confirmed the first complaint about the Property had been made on or about 8 September 2023, but could not say why the Applicant had not received a copy of this initial complaint, despite request, because he was not in the process of dealing with complaints. He stated that he believed that the complaint came via the Respondent's planning department.

32. He confirmed that, on inspection, he had only asked the 11 questions of the occupants which were set out in the standard form questionnaires included in the hearing bundle. He disagreed that the council had made insufficient inquiries, as it had considered the housekeeping report as well as the questionnaire, to find that at least 32 persons who were statutorily homeless were occupying the Property at the time of the inspection; therefore, it did not matter that only 13 of them had provided witness statements.

33. The witness confirmed he had not looked at the 600 pages of booking records in the Applicant's disclosure, dating from April 2022 to November 2024. He accepted that none of the persons on 4 October 2023 had said they wanted to stay in the Property forever. He accepted that he did not ask any of the occupants whether they had booked the Property directly; he believed all had been placed by local authorities, and so as far as he could establish, none of the clients at the Property had booked directly, but were placed through the homelessness teams of various local authorities.

34. He accepted that the Applicant was a service provider to the Respondent. Mr Alger disagreed, however, with the suggestion that the Applicant was not the operator of the Property. Mr Alger confirmed that the Property was not the only hotel which had been declared a HMO by the Respondent; there had been one declared a HMO about a month before the Property.

35. There was no re-examination of this witness by the Respondent.

36. After the short adjournment, Ms Holland gave evidence, confirming her written statement. She was asked questions by the Tribunal. She clarified that the occupiers found in the Property on 4 October 2023 would have been the subject of either a lease, licence or other formal arrangement, and confirmed that occupants were likely to have been accommodated under the interim housing duty (section 188 Housing Act 1996) or under section 190 of the Act (duty to persons found intentionally homeless), or under section 193 (the so-called main housing duty, the highest duty owed to a homeless person under Part 7 Housing Act 1996). She believed that at least 17 individuals were owed the section 193 duty, because they had been in the accommodation for at least 56 days (the maximum period of a council's relief duty). For example, in the case of the occupant of room "2", the occupant had been housed by the

Respondent since 29 May 2022, a period of over 2 years by the date of the inspection.

37. Ms Holland confirmed she had not had time to check whether or not the occupants were single persons or couples or families.

38. In answer to questions by the Applicant, Ms Holland accepted that the Applicant had been assisting the Respondent to place persons for the last 6 years in the Property. She confirmed that the request for the Applicant's assistance was always made on a nightly let basis. She accepted the Applicant was a service provider, with the council requesting its service. She disagreed with the Applicant that it had no choice, or say, whether or not to accept placements of occupants. She confirmed that the Respondent had placed Applicants with other hotels after 5 October 2023; indeed such a placement had been made on the day of the hearing. Ms Holland again confirmed that there was no written agreement with the Applicant, and no obligation on it to accept a nomination by the Respondent; it was a night to night placement, not a procurement agreement. She confirmed that the Applicant was able to say to the Respondent that it would only accept persons for a limited period of time, or even refuse to take further bookings for a period, or at all. She accepted that none of the occupants were placed in the Property in rooms which were intended to be their "final destination". There was no re-examination by Mr Lowens.

39. Ms Tilley, EHO for the Respondent, confirmed her written statement, and emphasised the lack of cooking facilities in the rooms, which she contended would not satisfy Schedule 3 of the Licensing & Management of HMOs Regulations 2006 - there was only a fridge, microwave, sometimes a kettle, a very small bathroom sink, no cutlery or plates, and no work surface or cupboards in which to store foods. This was, in her professional opinion, insufficient to constitute "cooking facilities". Some of the occupants were washing up their items in the shower, and some were buying their own air fryers, and others their own sandwich makers, she added. She pointed to a photograph in the bundle of Room 212, which showed a slow cooker and an air fryer in the room. She confirmed that she had made notes of her inspection in her pocket notebook, and that she had asked some additional questions, aside from the standard 11 questions, of the occupants.

Determination

1) Did the Property meet the test of a HMO?

40. The issue for determination is whether the Property met the standard test for an HMO on 4 October 2023 (and by extension on 5 October 2023).

41. The Tribunal finds that section 254(2)(a) to (e) were satisfied, for the following reasons:

42. First, the Property consisted of 62 units of living accommodation not consisting of a self-contained flats. The rooms inspected were not self-contained flats within the definition in section 254(8), because not all of the 3 basic amenities were present therein:

> "(8) In this section-
> "basic amenities" means-
> (a) a toilet,
> (b) personal washing facilities, or
> (c) cooking facilities;
> ...
> "self-contained flat" means a separate set of premises (whether or not on the same floor)—
> (a) which forms part of a building;
> (b)either the whole or a material part of which lies above or below some other part of the building; and
> (c) in which all three basic amenities are available for the exclusive use of its occupants."

43. Second, the living accommodation (being the 62 units) was occupied by persons who do not form a single household, as defined in section 258, which provides (so far as is material):

> "(1)This section sets out when persons are to be regarded as not forming a single household for the purposes of section 254.
>
> (2)Persons are to be regarded as not forming a single household unless—
>
> (a)they are all members of the same family, or
>
> (b)their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority."

44. Third, the Tribunal determines that the rooms inspected in the Property (save for room 220) were occupied by the persons therein as their only or main residence (there being no allegation that they are to be treated as so occupying it, pursuant to section 259).

45. Prior to the Housing Act 2004, even relatively transient occupation by more than one household was sufficient. Accordingly, a hotel was held to be an HMO (*R. v Hackney LBC Ex p. Evenbray Ltd* (1987) 19 H.L.R. 557 QBD*)*. The s.254 definition ensures that many such properties which were previously HMOs are no longer so. In particular, in general terms, for a property to be an HMO, it is necessary for the occupants concerned to occupy the premises as their only or main residence. This effectively reversed the effect of cases such as *Evenbray*.

46. Even if a person has a right so to occupy premises as their only or main residence, whether a person does so is a question of fact which, if not conceded, will need to be proved: *Camfield v Uyiekpen* [2022] UKUT 234 (LC). The evidence need not come from the occupier themselves; wider circumstantial evidence may be enough: *Camfield*.

47. As the editors to the *Housing Law Encyclopaedia* say:

> "The key issue in relation to HMOs is likely to be the distinction between transient use of the premises by someone with a home elsewhere, e.g. a resident in a hotel, and residence on a more permanent basis, e.g. a homeless person provided with interim accommodation in bed and breakfast accommodation under Pt 7, Housing Act 1996."

48. There is no evidence or inference to be drawn the instant case (save perhaps for the occupant of room 220) that the persons in the rooms inspected on 4 October 2023 might have had another residence.

49. We therefore look to the question of transient use (or otherwise) of the occupation of the rooms in question. The evidence of Ms Holland was clear. The occupiers who were secured accommodation by the Respondent, North Norfolk District Council and Broadland District Council were in all likelihood being secured accommodation under either a power or a duty within Part 7 of the Housing Act 1996.

50. We are prepared draw the inference, as Ms Holland had, that at least 17 of these persons were being accommodated under the main housing duty. Whilst being accommodated still as "homeless", such occupation was in our determination not transient, but occupation as their only residence. Those persons had been there at least 56 days, and had nowhere else to reside.

51. As regards those who were being accommodated under 1 or the lesser powers or duties of a council, aside from room 208 whose occupier had been present for only 2 days, and save for room 102 which had been occupied last since only 18 September 2023, all the other council-placed occupiers of the rooms inspected by the Respondent had been in occupation for at least a month, and many for several months. Moreover, they had no other place to go; their rooms were their only residences on 4 October 2023.

52. We do not accept the Applicants assertion that, because none of the occupants were placed in the Property in rooms which were intended to be their "final destination", their occupation was somehow transient, and not their only residence.

53. Fourth, there was no suggestion that the occupiers' occupation of the living accommodation constituted anything other than the only use of that accommodation.

54. Fifth, rents or other consideration were given for the occupation of the occupants. Whilst we did not have the occupants' agreements before us to see if there were arrangements by which each local authority occupant was expected to pay for the room, it is clear that the Respondent and other councils were paying the Applicant. Consideration was being given for occupation. That is enough to satisfy s.254(2)(e) in respect of at least 1 occupant. It matters not whether housing benefit was being claimed by the occupants or not.

55. Lastly, we turn to whether section 254(2)(f) is satisfied. The natural reading of the subsection is that either 2 or more of the households which occupy the living accommodation must share one or more of the basic facilities (i.e.

lavatory, personal washing facilities or cooking facilities) or the living accommodation must be lacking in one or more of those 3 facilities.

56. The express wording of the subsection is unambiguous; it is enough that living accommodation is "lacking in one or more basic amenities". We do not accept the Applicant's contention that the presence of any one listed amenity in the room is enough for the room to escape the standard test.

57. That is the Applicant's only ground of appeal under subsection (f), and the Tribunal does not need to decide whether each room was "lacking in one or more basic amenities" since each lacked "cooking facilities", because the grounds of appeal do not advance such a challenge and, moreover, the Applicant's Case Summary makes an express admission that there is an absence of cooking facilities: see paragraph 32 thereof.

58. The Applicant has raised various other arguments as to the Property's planning use, its alleged "sui generis" classification, the function of and services provided by the Property, and whether it is akin to a hostel or not, are not matters within the "standard test", but are matters with which we do not need to be concerned.

59. In summary, therefore, under this issue, we determine that the Property met the standard test for an HMO on 5 October 2023.

60. Finally, we consider section 255 of the Housing Act 2004. It provides (so far as material):

"255 HMO declarations

(1)If a local housing authority are satisfied that subsection (2) applies to a building or part of a building in their area, they may serve a notice under this section (an "HMO declaration") declaring the building or part to be a house in multiple occupation.

(2)This subsection applies to a building or part of a building if the building or part meets any of the following tests (as it applies without the sole use condition)—

(a)the standard test (see section 254(2))

…

and the occupation, by persons who do not form a single household, of the living accommodation or flat referred to in the test in question constitutes a significant use of that accommodation or flat.

(3) In subsection (2) "the sole use condition" means the condition contained in—

(a)section 254(2)(d) (as it applies for the purposes of the standard test…)

…"

61. We agree with the Respondent, and the Applicant did not argue otherwise, that the occupation on 5 October 2023 by persons not forming a single household of the living accommodation of the Property constituted a significant use of that accommodation. We agree that occupation by 32 persons out of 60+ rooms constituted a significant use.

2) Was the procedure for the HMO declaration valid?

62. Section 255(1) is set out above. Ther following additional provisions of the section are also relevant:

"(4)The notice must—

(a)state the date of the authority's decision to serve the notice,

(b)be served on each relevant person within the period of seven days beginning with the date of that decision,

(c)state the day on which it will come into force if no appeal is made under subsection (9) against the authority's decision, and

(d)set out the right to appeal against the decision under subsection (9) and the period within which an appeal may be made.

(5)The day stated in the notice under subsection (4)(c) must be not less than 28 days after the date of the authority's decision to serve the notice.

(6)If no appeal is made under subsection (9) before the end of that period of 28 days, the notice comes into force on the day stated in the notice.

…

(9)Any relevant person may appeal to the appropriate tribunal against a decision of the local housing authority to serve an HMO declaration.

The appeal must be made within the period of 28 days beginning with the date of the authority's decision.

…

(12) In this section and section 256 "relevant person", in relation to an HMO declaration, means any person who, to the knowledge of the local housing authority, is—

(a)a person having an estate or interest in the building or part of the building concerned (but is not a tenant under a lease with an unexpired term of 3 years of less), or

(b)a person managing or having control of that building or part (and not falling within paragraph (a)).”

63. The Applicant takes no point under this section, but we have considered the HMO declaration notice in the bundle dated 10 October 2023. It is addressed to the Applicant, which is a person having an estate of interest in, or managing or having control of, the Property. The decision date is stated (5 October 2023). The Notice was served within 7 days of that date by Mr Alger (his statement, para 11). The Notice states a date when it will come into effect (9 November 2023), being not less than 28 days after the date of the authority's decision to serve the notice.

64. The Applicant contends that there has been procedural unfairness because the details of the initial complaint were not given to him. In the Tribunal's determination, even if that were true, it is far outweighed by the fact that the Property met the standard test and the "significant use" requirement; therefore, although there would appear to be a discretion under s.255(1) whether or not to make the declaration, the exercise of the discretion in this case was not tainted by an subsequent failure to provide such information.

65. The Tribunal therefore determines, in conclusion, that the procedure for declaring the Property to be a HMO was valid.

3) Was the decision to refuse to revoke the declaration appropriate?

66. Section 266 of the Housing Act 2004 provides:

"(1) A local housing authority may revoke an HMO declaration served under section 255 at any time if they consider that subsection (2) of that section no longer applies to the building or part of the building in respect of which the declaration was served.

(2)The power to revoke an HMO declaration is exercisable by the authority either—

(a)on an application made by a relevant person, or

(b)on the authority's own initiative.

(3)If, on an application by such a person, the authority decide not to revoke the HMO declaration, they must without delay serve on him a notice informing him of—

(a)the decision,

(b)the reasons for it and the date on which it was made,

(c)the right to appeal against it under subsection (4), and

(d)the period within which an appeal may be made under that subsection.

(4)A person who applies to a local housing authority for the revocation of an HMO declaration under subsection (1) may appeal to the appropriate tribunal against a decision of the authority to refuse to revoke the notice.

The appeal must be made within the period of 28 days beginning with the date specified under subsection (3) as the date on which the decision was made.

(5)Such an appeal—

(a)is to be by way of a re-hearing, but

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

(6)The tribunal may—

(a)confirm or reverse the decision of the authority, and

(b)if it reverses the decision, revoke the HMO declaration."

67. The Applicant did seek a revocation, and a notice of refusal to revoke the decision was served on it by the Respondent on 23 October 2023. The covering letter indicated that the Respondent considered the standard test was met on 4 October 2023 and the declaration was duly made on 5 October 2023. The covering letter stated that no evidence had been provided that the Property no longer met the definition under s.254, and that no consideration had been given to planning legislation in the decision not to revoke.

68. We find that the procedural requirements were met, since the Notice complied with the requirements to give reasons and to notify the applicant of its right to appeal within the period of 28 days.

69. The Applicant contends that there has been procedural unfairness because the details of the initial complaint were not given to him. In the Tribunal's determination, even if that were true, it is far outweighed by the fact that there was no evidence that the Property no longer met the standard test nor the "significant use" requirement; accordingly, although there would appear to have been a discretion under s.256(1) whether or not to revoke the declaration, the exercise of the discretion in this case was not tainted by any failure to provide such information, we find.

70. The decision to refuse to revoke, and notice of refusal, were therefore appropriate. The Respondent was right to consider that the standard test was still met, as was the significant use requirement.

Conclusions

71. Pursuant to section 256(6) of the Act, the Tribunal confirms the decision of the Respondent not to revoke the Notice of 23 October 2023.

72. The application is therefore dismissed and no fees should be reimbursed, albeit the decision is made with a heavy heart. The Applicant has, it seems, provided great service to the Respondent over the years. Having said that, we agree with the Respondent that at all material times (and even now) the Applicant has been able to say to the Respondent that it would only accept persons for a limited period of time, or even refuse to take further bookings for a period, or at all.

73. If the standard test and significant use requirement is no longer satisfied, because the profile of occupation has changed (or for any other relevant reason) the Applicant may request another revocation.

74. At the end of the hearing, we expressed the hope that the parties might work together to find a mutually satisfactory solution. Clearly it will not avail the Respondent if the Applicant, for financial reasons, has either to reduce or to refuse to accept persons in need of accommodation under Part 7 of the Housing Act 1996, where demand invariably outstrips supply.

Judge:

S J Evans

Date:

21/1/25

ANNEX – RIGHTS OF APPEAL

1. 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 at the Regional Office which has been dealing with the case.
2. 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.
3. If the Application is not made within the 28-day time limit, such Application must include a request to 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.
4. 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.