



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

Case reference : CAM/00MF/OCE/2025/0004
CAM/00MF/OC9/2025/0002
CAM/00MF/LBC/2024/0601

Property : Tanhouse Lane
Wokingham RG41 2RL

Applicants : (1) Tanhouse Lane Freehold Limited
(2) David Soanes

Respondents : (1) David Soanes
(2) Stuart Charles Bond and Louise Ann Bond

Type of application : Application for permission to appeal

Tribunal member(s) : Judge David Wyatt

DECISION REFUSING PERMISSION TO APPEAL

DECISION OF THE TRIBUNAL

1. I have considered the request by David Soanes for permission to appeal and determine that:
 - (a) I do not recuse myself;
 - (b) I will not review the decision; and
 - (c) permission is refused.
2. You may make a further application for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be made no later than 14 days after the date on which the First-tier Tribunal sent notice of this refusal to the party applying for permission to appeal.
3. Where possible, you should make your further application for permission to appeal on-line using the Upper Tribunal's on-line document filing system, called CE-File. This will enable the Upper Tribunal to deal with it more efficiently and will enable you to follow the progress of your application and submit any additional documents quickly and easily. Information about how to register to use CE-File can be found by going to this web address: <https://www.judiciary.uk/wp->

4. Alternatively, you can submit your application for permission to appeal by email to: Lands@justice.gov.uk. The Upper Tribunal can also be contacted by post or by telephone at: Upper Tribunal (Lands Chamber), 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (Tel: 020 7612 9710).

REASONS FOR THE DECISION

5. On 13 June 2025, I gave a case management decision dealing with various matters (the “**Decision**”) after hearing from the parties at a case management hearing on 11 June 2025 (“**CMH**”).
6. On 11 July 2025, Mr Soanes sent an application for permission to appeal (I have considered his second version, sent later that day). This seeks to make a range of arguments, but in substance challenges the decision to stay his application under section 168(4) of the Commonhold and Leasehold Reform Act 2002 for determination that the respondent leaseholders are in breach of various covenants in their lease.
7. Also on 11 July 2025, Mr Southam (representing the leaseholders) sent a copy of an order dated 3 July 2025 and made by HHJ Duddridge in the County Court. This deals with various matters and makes a new civil restraint order against Mr Soanes, subject to review at a hearing. Mr Southam said that hearing has been listed for 16 September 2025.
8. I do not recuse myself. I explained at the CMH why the reasons then given by Mr Soanes were not grounds for recusal. A fair minded and informed observer would not consider the mere fact that a judge decided different matters in a different case against a party indicative of a real possibility of bias. The tribunal had explained clearly to Mr Soanes that it would not respond to any further attempts to apply to set aside those decisions, where permission to appeal had been refused by the tribunal and the Upper Tribunal. Again, no real reasons have been given for the further recusal request.
9. The test for whether to grant permission to appeal is whether there is a realistic prospect of success. For the following reasons, I am not satisfied that any of the matters described as grounds of appeal has any realistic prospect of success. References below in square brackets are to those paragraphs in the Decision.
10. The decision to stay was a case management decision.
11. Mr Soanes did not say at the CMH, but now says, that I should have recognised that breach of covenant applications serve a distinct statutory purpose and the Upper Tribunal found in Atherton & Ors v MB Freeholds Ltd [2017] UKUT 497 (LC) that not insuring in joint names of lessor and lessee was a “breach of the covenant”. Atherton is a decision about payability of service charges for insurance.

12. At the CMH, Mr Soanes himself invited me to “suspend” his breach of covenant case pending the outcome of his “claim” to set aside the order made by DDJ Hunter (if I was not prepared to attempt to make an immediate summary determination in his favour). His application for permission to appeal does not seem to say whether this was one of the matters dismissed or stayed and declared totally without merit in the order made by HHJ Duddridge.
13. In any event, the grounds of appeal do not seem to correspond with the substance of the Decision. They ignore the substantive reasons set out in the Decision, which is self-explanatory. Mr Soanes alleges many breaches, not merely failure to insure in joint names. I did not impose a general stay, but decided on a stay until June 2026 with permission to apply after December 2025 to lift the stay if good reasons can be shown. As explained at [16], those terms were set with the statutory purpose of this jurisdiction in mind.
14. I am not satisfied that I should give any further directions, or make any further orders, at this stage.

Name: Judge David Wyatt

Date: 23 July 2025