



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

**Case reference** : **CAM/38UB/HNA/2024/0614  
CAM/38UB/HNA/2024/0615  
CAM/38UB/HIR/2025/0001  
CAM/38UB/HIN/2025/0002**

**HMCTS code** : **P:PAPERREMOTE**

**Property** : **1-3 The Blarney Stone,  
Lower Windsor Street,  
Banbury, OX16 5AS**

**Applicant** : **OX1 Limited  
Tariq Qume Khuja**

**Respondent** : **Cherwell District Council**

**Type of application** : **Application for permission to  
appeal**

**Tribunal members** : **Judge A. Arul  
Gerard F. Smith MRICS FAAV**

**Date of Decision** : **22 December 2025**

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**DECISION – Respondent’s Appeal**

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## **Decision**

1. The Tribunal has considered the Respondent's request for permission to appeal to the Upper Tribunal (Lands Chamber) dated 25 November 2025 and determines that:
  - a. It will not review its Decision; and
  - b. Permission be refused for appeal to the Upper Tribunal (Lands Chamber).
2. The Respondent may make a further application for permission to appeal directly 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, the Respondent should make any further application for permission to appeal online using the Upper Tribunal's online document filing system, called CE-File. This will enable the Upper Tribunal to deal with it more efficiently and will enable the parties to follow the progress of the application and submit any additional documents quickly and easily.
4. Information about how to register to use CE-File can be found by going to the following web address:  
  
<https://www.judiciary.uk/guidance-and-resources/practice-direction-for-the-lands-chamber-of-the-upper-tribunal-electronic-filing-ce-file/>
5. Alternatively, it is possible to submit an application for permission to appeal by email to: [Lands@justice.gov.uk](mailto:Lands@justice.gov.uk).
6. 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**

7. The relevant provisions in respect of appeals are set out in the Practice Directions of the Upper Tribunal (Lands Chamber) dated 2 January 2024 ("the Practice Directions").
8. Paragraph 11.14 of the Practice Directions provides that permission to appeal will be granted if the Tribunal considers that the proposed appeal has a realistic prospect of success, unless the sum or issue involved is so modest or unimportant that an appeal would be disproportionate. Permission to appeal may also be granted if the Tribunal considers there is some other good reason for an appeal.

9. The appeal relates only to the Tribunal's decision to set aside the Respondent's refusal to revoke Improvement Notice 3242 issued on 11 November 2024 and the Order that the said notice be quashed.
10. The grounds of appeal correctly identify that there was no appeal by the Applicant against the substantive merits of Improvement Notice 3242 (i.e., pursuant to Paragraph 10, Part 3, Schedule 1 to the Housing Act 2004). Indeed, the notice was dated 24 October 2023 and operative from 15 November 2023, so any substantive appeal would have been considerably out of time.
11. The first argument in support of the appeal is that the Tribunal erred in law in considering that it had jurisdiction to set aside the Respondent's refusal to revoke and to direct revocation of the Notice following a review of its substantive merits.
  - a. Paragraph 36 of the Decision makes reference to the applicable statutory provisions. Paragraph 13(1)(b), Part 3, of Schedule 1 to the Housing Act 2004 confers jurisdiction upon the Tribunal to consider an appeal against a decision by a local housing authority to refuse to revoke or vary an improvement notice. Paragraph 18(2) operates to make such an appeal a re-hearing and paragraph 18(3) expressly confers jurisdiction to reverse the decision (to refuse to revoke).
  - b. Insofar as the appeal seeks to argue that there was no jurisdiction to set aside (or, rather 'reverse') the decision to refuse to revoke, the statutory provisions are clear and such appeal has no prospect of success.
  - c. Insofar as the appeal seeks to argue that there was no jurisdiction to make an order revoking Improvement Notice 3242 (i.e., going beyond reversing the decision to refuse to revoke and interfering with the original notice) this ignores the express power under paragraph 18(4). This power is expressed as follows: "*If the appeal is against a decision of the authority to refuse to revoke an improvement notice, the tribunal may make an order revoking the notice as from a date specified in the order.*" The Tribunal therefore had express powers to go further than setting aside the decision to refuse to revoke and to substitute a decision to revoke.
  - d. The appeal does not contend that the Decision was in error by not expressly stating the date of such revocation. In any event, such an argument would have no prospect of success, given that the order is a substitution, meaning that the revocation of Improvement Notice 3242 takes effect from the date of the refusal to revoke on 11 November 2024.
12. The second argument in support of the appeal is that the Tribunal erred in law in effectively entertaining an appeal against the substantive merits when no such appeal had been brought. This belies the express jurisdiction under paragraph 18(4), Part 3, of Schedule 1 to the Housing Act 2004.
  - a. In exercising its function under this jurisdiction, albeit by way of re-hearing, the Tribunal must essentially ask itself whether the decision to

refuse to revoke was a reasonable one to make. In doing so, the reasons for the request to revoke, the refusal, and the underlying requirements under the disputed notice must all be considered.

- b. The appeal does not contend that insufficient reasons are given. Paragraph 110 of the Decision explains why Improvement Notice 3242 was defective in that it could not practically be complied with. The Decision regrettably does not expressly clarify the reasoning that, because of this defect, the decision to refuse to revoke was not a reasonable or rational one for a local housing authority to make. Whilst it appears that this is an attack on the substantive merits, the critical point is that a reasonable local housing authority properly assessing Improvement Notice 3242 ought to have identified the issues set out at paragraph 110 of the Decision and exercised its own discretion to revoke the notice. Although this distinction is not clarified in paragraph 110 of the Decision, the outcome would be no different.
- c. Further and in any event, as the matter proceeded as a re-hearing it was within the Tribunal's discretion to substitute the Respondent's refusal to revoke with its own view that it was irrational not to revoke. The appeal cannot ultimately succeed.

### **Summary**

- 13. In the circumstances the Tribunal does not consider that there is any realistic prospect of a successful appeal in this case. The Tribunal also does not consider that there is any other good reason for an appeal and therefore permission to appeal is refused.

**Name: Judge A. Arul**

**Date: 22 December 2025**