



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

Property	32A Windsor Lane, Knaresborough, North Yorkshire HG5 8DX
Applicants	Mr Michael Hassall
Respondent	North Yorkshire Council
Case number	MAN/36UD/HPO/2024/0004
Date of Application	25 November 2025
Type of Application	Appeal against Prohibition Notice Housing Act 2004 – Schedule 2 Paragraph 7(1)
Tribunal Members	Tribunal Judge, Katherine Southby Tribunal Member, William Reynolds
Date of Decision	6 February 2026

**DECISION
Application for costs**

DECISION

The Application is granted, and the Applicant's Representatives are to pay the sum of £4,500 plus VAT in wasted costs to the Respondent

BACKGROUND

1. The Tribunal received an appeal by Mr Hassall against a prohibition notice issued by the Respondent, North Yorkshire Council under the Housing Act 2004.
2. This matter concerns 32A Windsor Lane, Knaresborough. This property was originally a single house known as 32 Windsor Lane. The part of the property which is the subject matter of these proceedings was constructed by Mr Hassall as an extension of number 32 and is referred to by both the Applicant and Respondent as 32A.
3. Mr Hassall, represented by Freeman Johnson Solicitors who completed the original application, appealed pursuant to paragraph 10(1) of Schedule 1 and paragraph 7(1) of Schedule 2 of the Act by an application dated 7 March 2024
4. The Tribunal is in receipt of an application pursuant to Rule 13 of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 received by the Tribunal on 2 June 2025, for an order that the Applicant pay the Respondent's costs of instructing Counsel to represent them at the Tribunal hearing on 20 May 2025, in the sum of £4,500 plus VAT.
5. The application from North Yorkshire Council argues in summary as follows:
 - a. That Tribunal directions dated 06/01/2025, stated that 'the Applicant must within 21 days of the date of these directions provide electronically a bundle of relevant documents. The bundle must include: (b) a full statement of reasons for each appeal'.
 - b. The Applicant failed to comply with these directions, in that the bundle omitted to include 'a full statement of reasons for each appeal' instead only including the appeal form. This omission was brought to the attention of the Applicant's representative by North Yorkshire Council in an e-mail dated 12/02/2025 as part of a warning of an intention to seek to strike out the claim if not rectified.
 - c. On 17/02/2025 the Applicant's lawyer replied to the Respondent's email of 12/02/2025, advising 'we're currently

waiting for a report from our client's architect following the removal of a door'; and on 19/02/2025 the Applicant's lawyer sent by email to the Respondent's lawyer a copy of the said architect's report. This was followed by an exchange of emails between both parties until, by an email dated 21/02/2025, the Applicant's lawyer advised 'We have no further documents to serve'; a copy of this email is at page 394 of the Respondent's bundle.

- d. The Respondent gave the Applicant ample notice of the Applicant's failure to provide full reasons for appeal in February 2025, but the Applicant failed to provide reasons for his appeal to the Respondent until approximately 12:30hrs on the date of the tribunal hearing on 20th May, the grounds of appeal being detailed within the Applicant's skeleton argument dated 19th May.
- e. Given this late submission by the Applicant of full reasons for his appeal, the Tribunal members adjourned the hearing on 20th May to a later date with directions, to allow the Respondent the opportunity to properly consider and respond to the Applicant's reasons for appeal.
- f. As a result of the Applicant's omission to provide a full statement of reasons for appeal as directed by the tribunal on 06/01/2025, and as reminded by the Respondent on 12/02/2025, until 12:30hrs on 20th May 2025, including the Applicant's confirmation in email dated 21/02/2025 advising 'We have no further documents to serve', the Respondent incurred the unnecessary and wasted costs of instructing counsel to represent them at the tribunal hearing on 20th May; this hearing being adjourned to a later date.

THE LAW

The relevant test and starting point for the Tribunal is set out in Rule 13 of the Tribunal Procedure (First Tier Tribunal) (Property Chamber) Rules 2013 which state:

Orders for costs, reimbursement of fees and interest on costs 13.—

- (1) The Tribunal may make an order in respect of costs only—*
 - (a) under section 29(4) of the 2007 Act (wasted costs) and the costs incurred in applying for such costs;*
 - (b) if a person has acted unreasonably in bringing, defending or conducting proceedings in—*
 - (i) an agricultural land and drainage case,*
 - (ii) a residential property case, or*
 - (iii) a leasehold case; or*

(c) in a land registration case.

....

(2) The Tribunal may make an order requiring a party to reimburse to any other party the whole or part of the amount of any fee paid by the other party which has not been remitted by the Lord Chancellor.

(3) The Tribunal may make an order under this rule on an application or on its own initiative.

REASONS

1. The Tribunal has carefully examined the chronology of events set out by North Yorkshire Council and finds that it accords not only with the documents but also with the Tribunal's own note of the hearing on 20 May 2025.
2. We first observe that the Property Chamber is to a large extent a 'no costs' jurisdiction and parties incur expense on that basis. The test for making a costs order is one of unreasonable conduct and establishing unreasonableness is a high bar.
3. A finding of unreasonable conduct is a precondition to ordering costs. Unreasonable conduct is conduct which is vexatious, designed to harass the other side even if as a result of excessive zeal and not improper motive. The test is whether conduct permits of a reasonable explanation. (*HJ v London Borough of Brent 2011 UKUT 101 (AAC)* and *Ridehalgh v Horsefield 1994 Ch 205* at 232).
4. We are also mindful of the case of *Dammerman c Lanyon Bowdler LLP [2017] EWCA Civ 269* which also referred back to *Ridehalgh v Horsefield*. Similarly, an example of a case where a Tribunal found a party's conduct unreasonable is the decision of *Liebel v. Baird CHI/29UC/HMF/2020/0035* (4 May 2020) in which the Tribunal found that the landlord "did deliberately obfuscate matters and in signing the statements of truth on his defence dated 19th February 2021 he deliberately misled the Tribunal." The Tribunal found that the landlord's conduct in the Tribunal had been deliberate, and that the landlord had "treated the Tribunal with contempt".
5. In addition, we must take into account Rule 2 of the Tribunal's Procedure Rules, which sets out the "overriding objective" which provides that the Tribunal must deal with a case fairly and justly, in a way that is proportionate, flexible and has regard to the resources of the parties, but parties must help us further those objectives and co-operate with the Tribunal generally.
6. We are mindful that wasted costs under s29(4) of the Tribunals Courts and Enforcement Act 2007 the Tribunal may order the legal representative to meet the whole of any wasted costs or such part of them as may be determined in accordance with the Tribunal Procedure Rules.

“wasted costs” means any costs incurred by a party—

(a)as a result of any improper, unreasonable or negligent act or omission on the part of any legal or other representative or any employee of such a representative, or

(b)which, in the light of any such act or omission occurring after they were incurred, the relevant Tribunal considers it is unreasonable to expect that party to pay.

In this section “legal or other representative”, in relation to a party to proceedings, means any person exercising a right of audience or right to conduct the proceedings on his behalf.

7. The Tribunal considered the Applicant’s grounds for seeking wasted costs which are set out in the summary above and broadly amount to a failure by the Applicant to comply with the Tribunal’s direction to set out the basis for the appeal, and a continued failure to do so when reminded until a point so late in the proceedings that neither the Council nor the Tribunal had sufficient time to consider the new grounds being advanced, and the Respondent Council had already incurred the costs of Counsel preparing for and attending an abortive adjourned hearing.
8. The Tribunal’s directions were clear, as too were the communications from the Respondent Council who had identified the non-compliance and sought to ensure it was remedied so that the matter could proceed fairly and effectively. The Applicant’s Representative not only did not provide a full statement of reasons for the appeal as required but confirmed that there was nothing further to serve when in fact they served through their Counsel, a skeleton argument raising additional arguments as the basis for the appeal. This was conduct which was unhelpful to the Tribunal and created a delay and inconvenience to all concerned. Had the Applicant been unrepresented until shortly before the hearing in May then the Tribunal could have understood more easily why such a shift in position might have been presented at such a late stage, but this was not the case here. The Applicant was represented throughout by solicitors who, if they were concerned that the original application form did not set out the full statement of reasons, or considered they would need additional support from Counsel at a final hearing could and should have instructed any such advice in a timely manner that enabled them to comply with the Tribunal’s directions and even if that compliance had proven impossible, to nevertheless conduct themselves in a way which did not place both the Respondent Council and the Tribunal in a position of receiving wholly new arguments at such short notice as to render it impossible for the matter to fairly proceed.

9. We find the conduct of the Applicant's representatives to be unreasonable. Having reached this threshold, I have then proceeded to consider the specific costs sought by the Respondent Council. I note that the sum sought is that invoiced by Mr Peter Marcus of Counsel to the Respondent Council and includes both his preparation time and attendance at the site visit and hearing. I am satisfied that Mr Marcus had fully prepared for the hearing on the basis of the information with which he had been provided and I am also satisfied that he attended both the site visit and hearing as referred to. His invoice is therefore entirely proper. I note that the Respondent Council have not sought to charge any internal costs which were also incurred as a consequence of the conduct of the Applicant's Representatives. I do not think that it is reasonable that the Respondent Council should have to pay for the attendance of Counsel at a hearing when that attendance was wholly avoidable had the Tribunal's directions been followed in a timely manner and/or the Applicant's Representatives had responded to the enquiries of the Respondent Council in a timely manner.
10. The Tribunal may not make an order for costs against a person (the "paying person") without first giving that person an opportunity to make representations. The Tribunal invited representatives from the Applicant by email dated 21 January 2026 requiring any representations by no later than midday on 30 January 2026. No such representations were received.
11. **For the reasons set out above, the Application is therefore granted, and the Applicant's Representatives are to pay the sum of £4,500 plus VAT in wasted costs to the Respondent**