



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

Case Reference : **BIR/00CR/HMV/2024/0001**

Properties : **32 & 34 New Rowley Road, Dudley, West Midlands, DY2 8AS**

Applicant : **Banaras Holding Co Limited**

Respondent : **Dudley Metropolitan Borough Council**

Type of Application : **Appeal in respect of conditions imposed on the grant of a House in Multiple Occupation Licence under paragraph 31(1)(b) of Schedule 5 to the Housing Act 2004**

Tribunal Members : **Judge M K Gandham
Mr A McMurdo MCIEH**

Date of Decision : **21 April 2026**

DECISION

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Decision

1. The Tribunal confirms that the term of the HMO licences for both 32 New Rowley Road, Dudley, West Midlands DY2 8AD and 34 New Rowley Road, Dudley, West Midlands DY2 8AD are varied so as to continue until two months after the date of this decision, to allow time for applications in respect of their planning status to be made by Banaras Holdings Company Limited.

Reasons for Decision

Background

2. By applications received on 12 June 2024, Banaras Holdings Company Limited ('the Applicant') applied to the First-tier Tribunal, under paragraph 31(1) of Schedule 5 to the Housing Act 2004 ('the Act'), to appeal against conditions contained in two licences for Houses in Multiple Occupation (HMO) ('the Licences') in respect of the properties known as 32 New Rowley Road, Dudley, West Midlands DY2 8AD and 34 New Rowley Road, Dudley, West Midlands DY2 8AD ('the Properties').
3. The Licences were both dated 16 May 2024 and had been issued by Dudley Metropolitan Borough Council ('the Respondent').
4. The Properties were three-story detached dwellings which had been constructed, following planning permission having been granted for the same (along with numbers 30 and 38 New Rowley Road) on 18 April 2019.
5. The Respondent had made a direction under Article 4(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the A4 Direction'). The A4 Direction removed the ability for property owners to convert houses (Use Class C3) to small HMOs for occupation for up to six people (Use Class C4) without the need for planning permission. The A4 Direction was confirmed and took effect on 15 September 2023.
6. The Applicant had made applications for HMO licenses in respect of the Properties the day prior to the A4 Direction, on 14 September 2023. The Applicant was detailed as the proposed licence holder with Direct Property Lettings and Sales Limited ('Direct Property') detailed as the proposed manager.
7. Following correspondence between the parties, the Respondent had been satisfied that the test in section 64(3) of the Act had been met and served notice of its proposal to grant licences on 18 April 2024. One of the main terms was that licences would only be granted for a period of one year, due to the planning status of the Properties. No representations were received from the Applicant to the drafts, and the Licences were granted on 16 May 2024, with the licence period running from that date until and including 15 May 2025.

8. The appeals in respect of both licences related to the term of the Licences, with the Applicant stating that the length of term for each should be varied from 12 months to 5 years.
9. The Tribunal issued substantive directions on 11 July 2024 and received a bundle of documents from each of the parties.
10. On 19 December 2024, the Respondent applied for permission to provide an additional statement. The application was served on the Applicant who did not object. As the statement contained evidence that appeared relevant to the issues in the case, by a Directions Order dated 23 April 2025, permission was granted for the Respondent to rely on the same.
11. The Directions also confirmed that the admission of a further statement made by the Respondent (for which an application to admit the same was made on 11 April 2025), would be dealt with as a preliminary issue at the hearing, due to the proximity of the hearing and as the Applicant had objected to the statement being admitted in evidence. The Applicant was given an opportunity to provide a response in readiness for the hearing.
12. The Applicant provided a statement in response on 25 April 2025, (the exhibits referred to therein were not attached to the same but were provided at the hearing). The parties were made aware that in determining whether to allow the additional evidence, the Tribunal would, in addition to any other relevant factor, take into account the relevance of the evidence to the issue, the degree to which the late submission might cause prejudice to the other party, any steps that could be taken to ameliorate such prejudice and whether the interests of justice required it to allow the evidence notwithstanding the proximity of the hearing.
13. The hearing took place on 28 April 2025 at the Tribunal's hearing rooms at Centre City Tower in Birmingham. The Tribunal considered that the additional evidence submitted by both parties could be of relevance to the determination and, as neither party objected to the admission of the evidence at the hearing, confirmed that the additional evidence would be admitted.
14. After hearing oral submissions made at the hearing, directions were issued on 14 May 2025 as the Tribunal considered that further information was required in relation to both the occupation of the Properties and the actual and/or intended use of the Properties. Supplementary Statements and Responses were received from both parties in June 2025.
15. The Tribunal reconvened on 13 February 2026 to consider the additional evidence and make its determination.

The Law

16. The statutory framework for the imposition of conditions on an HMO licence are set out in sections 64 and 67 of the Act. Section 64(3)(a) of the Act confirms that an authority may grant a licence if they are satisfied:

“that the house is reasonably suitable for occupation by not more than the maximum number of households or persons mentioned in subsection (4) or that it can be made so suitable by the imposition of conditions under section 67”

And Section 67(1) of the Act provides as follows:

*“A licence may include such conditions as the local housing authority consider appropriate for regulating all or any of the following—
(a) the management, use and occupation of the house concerned, and
(b) its condition and contents.”*

17. Schedule 5 to the Act deals with procedural requirements and appeals. Paragraph 31 of Schedule 5 deals with the right to appeal and states as follows:

“(1) The applicant or any relevant person may appeal to the appropriate tribunal against a decision by the local housing authority on an application for a licence—

- (a) to refuse to grant the licence, or
(b) to grant the licence.*

(2) An appeal under sub-paragraph (1)(b) may, in particular, relate to any of the terms of the licence.”

And paragraph 34 sets out the tribunal’s powers:

“(1) This paragraph applies to appeals to the appropriate tribunal under paragraph 31 or 32.

(2) 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.*

(3) The tribunal may confirm, reverse or vary the decision of the local housing authority.

(4) On an appeal under paragraph 31 the tribunal may direct the authority to grant a licence to the applicant for the licence on such terms as the tribunal may direct.”

Hearing

18. Mr Omar Banaris attended the hearing on behalf of the Applicant, and the Applicant was represented at the hearing by Mr Kadeer Aziz, the managing director of Direct Property. The Respondent was represented at the hearing by Mr Stewart Wright, a solicitor within the Respondent’s Law & Governance Department. Mr Ian Bowen (an Environmental Health Officer) and Mr Peter Reed (a Planning Officer) both employed by the Respondent, were also in attendance.

Applicant's Submissions

19. Mr Aziz stated that planning permission for class C3 use of the Properties was obtained in 2019 with the Properties both being completed in approximately 2023, originally to be used as private dwelling houses.
20. He stated that it was clear that the Properties had previously been intended to be used as a private dwelling houses, as upgraded fire detection systems had been installed post build, as evidenced by the photographs which showed trunking along the ceilings to hide the new wiring.
21. Once completed, Mr Aziz stated that the Properties were marketed in July 2023 with Direct Property.
22. In relation to number 34, Mr Aziz stated that it had been ready for occupation prior to number 32, due to a number of snagging issues following the build of that property. He stated that number 34 had been let to Mrs Geeta Choudhary as a private dwelling for occupation by her and her family, and that she had occupied the same from 2 August 2023 until 1 September 2023.
23. Mr Aziz stated that number 32 was first let to let to Bellavista Integrated Services Limited ('Bellavista') on 8 September 2023, with a view to that company being able to let the property as an HMO. Mr Aziz stated that both he and the Applicant were unsure as to how many people resided at the property during this time.
24. Mr Aziz stated that interest was expressed from Right to Stay Limited ('Right to Stay'), the current lessee of both properties, in using both properties as HMOs, with Right to Stay confirming that they would be responsible for any associated costs in conversion of the Properties, including the installation of any new fire alarms systems.
25. Mr Aziz stated that the existing occupiers were relocated and that Right to Stay entered into a tenancy of number 34 on 2 September 2023 and number 32 on 10 September 2023.
26. Mr Aziz confirmed that Right to Stay had entered into an agreement with Shropshire Council, who arranged for young adults be placed in both properties. He referred to an email from Anna Phillips from Shropshire Council dated 16 October 2024 (provided by the Respondent within their bundle), which stated that they had placed 6 young people at number 34 on 14 September 2023, with 5 young people being placed at number 32 on 27 September 2023.
27. Mr Aziz submitted that the use of the Properties would be classed as an HMO, not as C2 use (residential children's home/care home) as the occupants were young adults and did not require residential care.
28. Within the additional evidence provided at the hearing were copies of two tenancy agreements, one dated 2 August 2023 relating to the letting of number 34 to Mrs Choudhary, and the other dated 8 September 2023 for the letting of number 32 to Bellavista.

Respondent's Submissions

29. Mr Wright, on behalf of the Respondent, stated that if the planning status of the Properties had been a simple matter, then there was no reason why the Applicant should not have contacted the Respondent's planning department to regularise the same.
30. He stated that Mr Aziz had been advised, both prior to and after the issuing of the draft licences, that the Applicant was advised to discuss the matter with the planning department and that the licence could be varied to a term of 5 years once the position had been clarified. He confirmed that the Respondent would not have charged any fee to vary the term of the licence to 5 years.
31. Mr Wright further stated that if the Properties had previously been used and occupied as dwellinghouses then converted to HMOs prior to the A4 Direction, the Applicant should have been able to readily supply that information to the local planning authority (LPA), and the Respondent would have had no need to look further. As it was, he stated that the Applicant had failed to provide any corroborating evidence of the use of the Properties until the day of the hearing.
32. In relation to the legitimacy of the documentation which had been supplied at the hearing, Mr Wright referred to several inconsistencies within the documentation. In particular, he noted that there was a discrepancy in the information provided with regard to the occupation of the Properties and the start date of any occupation.
33. He observed that an undated letter provided within the Applicant's bundle from Katrina Bingham at Shropshire Council had referred to a different number of children as having been placed at the Properties (and on different dates) to the information contained within Mr Bowen's correspondence with Anna Phillips. Katrina Bingham's letter had referred to "*10 young adults*" having been placed on "*2 September 2023*".
34. Mr Wright noted that this information differed from the information that had been provided by the Applicant on the HMO application forms, which stated that the Properties had both become HMOs in "*2020*", and also differed from the information given on the Applicant's Statement of Case, which referred to the Properties as having first become HMOs in "*July 2023*".
35. Mr Wright also noted that the Gas Safety Certificate provided for number 34 detailed that a boiler had been installed in that property on 5 September 2023, which appeared to indicate that it would not have suitable accommodation to let to anyone prior to this date.
36. Mr Reed stated that a planning application had been received for a change of use for four dwelling houses (including the Properties) to children's care homes (Use Class C2) on 23 October 2023, with the application being refused on 23 April 2024. He stated that if this was the current use of the Properties, permitted development rights would not have applied, as these would not allow a change of use from Use Class C3 to Use Class C2.

37. In addition, he stated that if the Properties had never been used as private dwelling houses, there could not legitimately have been any change of use from Use Class C3 to Use Class C4. He stated that to have relied on permitted development rights would have required evidence of occupation in the particular class.
38. Mr Reed confirmed that the Applicant had been sent Planning Contravention Notices (PCNs) in respect of an unauthorised change of use of the Properties (as included within the Applicant's bundle) in July 2024, and that it also appeared that the houses had not been built in accordance with the original planning permission for the same. He stated that the original planning permission had been for four-bedroomed houses, whereas the current plans and inspection of the Properties indicated that there were six or seven bedrooms in each property. As such, Mr Reed confirmed that further PCNs were served on 11 March 2025, as referred to in Mr Bowen's additional statement.
39. Mr Wright submitted that the Properties needed to have been used as C3 dwellings prior to their conversion to C4 use, and that both of these actions were required to have occurred before the A4 Direction had come into force on 15 September 2023. He stated that, as the Respondent was unclear as to the planning history and current use of the Properties, the Respondent's actions in providing licences for a year to allow the Applicant to regularise their planning status was reasonable and followed the guidance set out by the Upper Tribunal in *London Borough of Waltham Forest v Khan* [2017] UKUT 0153 (LC) ('*Khan*').
40. Accordingly, he submitted that a variation to increase the term of the licences to 5 years would be inappropriate.

Post Hearing Directions

41. After hearing oral submissions made at the hearing, the Tribunal considered that both the occupation of the Properties, and the actual and/or intended use of the Properties could be pertinent to the decision. As the additional evidence submitted by the Applicant at the hearing related to these points, the Tribunal confirmed that, to deal with the case fairly and justly, both parties should be provided with an opportunity to submit a Supplemental Statement, together with any corroborating evidence, as well as a Response to each other's statement, relating solely to these two points.
42. Further directions were issued on 14 May 2025, setting out the information that would assist the Tribunal in making its determination, together with a list of examples of corroborating evidence that the Tribunal might find helpful. The Tribunal confirmed that it might also have regard to the decision of the High Court in *Jones v Isle of Anglesey County Council* [2024] EWHC 2582 (Admin) ('*Jones*') when making its decision and that the parties might wish to address this decision in their respective statements.
43. Supplementary Statements and Responses were received from both parties in June 2025.

Applicant's Further Submissions

44. The Applicant's Supplemental Statement stated that Bellavista took possession of number 32 on 8 September 2023, relinquishing their rights to the property thereafter.
45. The Applicant stated that Right to Stay were contacted by Shropshire Council on 2 September 2023, to discuss the potential rehousing of 10 young adults, and that they took responsibility for both properties on 10 September 2023 and began adaptation works to ensure the properties met HMO compliance standards.
46. The Applicant stated that young people were subsequently placed in the Properties, with 6 individuals arriving at number 34 on 14 September 2023, with placement agreements completed following their arrival.
47. In relation to when the Properties were ready for occupation, the Applicant stated that the Properties were ready in July 2023 and provided photographs which they stated detailed the installation of gas hobs and radiators at the Property.
48. With the statement, the Applicant provided a further copy of the tenancy agreement of number 32 to Bellavista on 8 September 2023, Companies House information for Rolichel Care Service Limited (previously known as Bellavista Integrated Services Limited), a Referencing Report for Mrs Rosemary Opara (a director of Rolichel Care Services Limited) dated 7 September 2023, and details of payments made by Bellavista on 8 September 2023.
49. The Applicant also provided a tenancy agreement dated 10 September 2023 for both number 32 and for number 34 to Right to Stay, two invoices from "Paddy's Repairs" dated 10 September 2023 for 10 door closers, a carbon monoxide alarm and fire blanket for both Properties, as well as the photographs previously referred to.
50. In response to the Respondent's Supplemental Statement, the Applicant reiterated that the Properties were being used as Use Class C4 HMOs and did not fall within the Use Class C2 provisions, as the occupiers were all over the age of 16, with low-level support and not in need of full-time personal care. The Applicant stated that they were unaccompanied asylum seekers waiting for their asylum claims to be determined and could potentially remain in the Properties until they were 25 years of age.

Respondent's Further Submissions

51. In relation to the occupation of number 32, the Respondent referred to the email Mr Bowen had received from Shropshire Council dated 16 October 2024, which confirmed that no young people had been placed at this property prior to 27 September 2023.
52. The Respondent stated that, although the Applicant had advised that the property had been let to Bellavista as an HMO from 8 September 2023, an email he had been sent from the Respondent's Revenue and Benefit Service (a copy of which he

provided) indicated that the only liable party for council tax for the property had been Right to Stay from 14 September 2023. They did not have any record for Bellavista.

53. The Respondent also referred to the Fire Detection and Fire Alarm Inspection Certificate submitted as part of the licence application - which referenced a new fire alarm system and emergency lighting at the property – being dated 20 September 2023. The Respondent submitted that there was no information to suggest that, prior to this date, the property would have been suitable to be occupied as an HMO.
54. In relation to number 34, again, the Respondent stated that Right to Stay were the only liable party for council tax at the property, and that this began on 13 September 2023.
55. The Emergency Lighting Certificate was dated 21 September 2023, as was the G3 Commissioning Certificate for the fire alarm, submitted as part of the HMO licence application. In addition, the Electrical Installation Condition Report was dated 2 September 2023 and the Gas Safe Certificate, which referred to the installation of a combination boiler and gas hob, was dated 5 September 2023.
56. As such, the Respondent submitted that the certification documentation indicated that this property would not have been habitable for any form of occupation until at least 5 September 2023 and its use would not have been suitable as an HMO until 21 September 2023.
57. The Respondent noted that the Applicant had not provided any evidence to support that Mrs Choudhary had been a tenant of the property, such as copy ID, credit checks or evidence of payment of rent, and that as the certification provided in evidence post-dated her occupancy, it could not have been handed to her at the start of her occupation on 2 August 2023. In addition, the Respondent noted that no evidence had been provided of her surrender of the property.
58. The Respondent confirmed that the LPA considered that the Applicant had not built the Properties in accordance with the approved plans, with the Applicant having constructed seven-bedroom properties rather than four-bedroom properties for which permission had been granted, and that the Applicant had failed to provide information when requested to do so by the planning authority.
59. In the absence of evidence for lawful use of the properties as HMOs, the Respondent stated that it continued to be of the opinion that a 5-year licence would not be appropriate and that any HMO licences should be limited to one year to allow the Applicant time to regularise the planning status of the Properties.
60. The Respondent provided a number of exhibits and attachments to its Supplemental Statement, including email correspondence with Shropshire Council, the LPA and copies of the various certificates referred to above.
61. In relation to the Directions Order dated 14 May 2025, the Respondent provided an email sent from Mr Reed to Mr Bowen. This confirmed that, in reference to the

decision in *Jones*, the LPA conceded that change of use may take place prior to a new use being active and before occupation, although planning permission for a material change of use could not be implemented until the first occasion on which the change of use occurred. Mr Reed also accepted that case law indicated that occupation is not a prerequisite to determine whether a change of use has taken place.

62. That stated, Mr Reed emphasised that the Properties had not been built in accordance with their original planning permission and that PCNs had been ignored by the Applicant. He stated that the LPA was of the view that the current use of Properties was, in fact, Use Class C2 Residential Institution, rather than HMOs, but based on the Applicant having been “*unhelpful and vague*” with answering questions, it was impossible to say with certainty what the user class of the Properties was.
63. In response to the Applicant’s Supplementary Statement, Mr Bowen made a further statement in which he made several observations with regard to the additional evidence provided by the Applicant.
64. With regard to the information that the Tribunal set out in its Directions Order dated 14 May 2025, he noted the following: no evidence had been provided to show that either Bellavista or Mrs Choudhary had relinquished their respective tenancies; that the tenancy agreements provided were not evidence of who or how many people were in occupation of the Properties; that the Applicant had failed to provide any IDs, credit checks or details of any rent payments made by Mrs Choudhary or Right to Stay; that no identification had been provided for Ms Opara; that no buildings regulation completion certificates had been provided for either property; that no buildings insurance policies had been provided; that no documentation had been provided to clarify the date of installation of any fire alarm system and that the invoices that had been provided did not detail any invoice numbers or the business address of “*Paddy’s Repairs*”.
65. Mr Bowen also noted that the evidence in general raised questions regarding whether Right to Stay were the correct entity able to enter into agreements with the occupants, as Shropshire Council had referred to the company ‘Right to Care’ in their correspondence with Mr Bowen. Mr Bowen noted that both entities had the same directors, which included Mr Aziz, but questioned whether there were clear lines of accountability and information sharing. He also queried whether the Applicant had been the correct entity to make the HMO licence applications based on the evidence which had been provided.

The Tribunal’s Deliberations

66. In reaching its determination the Tribunal considered the relevant law, in addition to all of the evidence submitted, both oral and written, briefly summarised above.
67. The Tribunal recognises that, although planning and licensing are two distinct departments dealing with different legislative provisions and procedure, the decision by the Upper Tribunal in *Khan* clearly established that, in relation to

Part 3 licensing at least, the planning status of a property when deciding whether or not to grant a licence, and the terms of such a licence, are legitimate considerations for a local housing authority. The Tribunal also accepts that planning considerations are equally valid when dealing with licensing under Part 2, especially when an Article 4 direction has been put in place requiring planning permission to be able to convert a property to an HMO.

68. The Tribunal notes, however, that there is no legal requirement for an Applicant to obtain regularisation of planning and no obligation on an Applicant to obtain a certificate of lawfulness of existing use under section 191(1) of the Town and Country Planning Act 1990. As such, the Tribunal considers that, in some cases, there may well be a valid argument against the imposition of a shorter term by a local authority if the same has been imposed due to planning considerations, for example to allow the Applicant time to obtain planning permission or for regularisation purposes, if it is clear from the evidence that no planning enforcement action could be taken.
69. In this case, the Tribunal finds that the evidence that has been supplied by the Applicant is insufficient to conclude that enforcement action could not have been taken due to the Applicant having been in a legitimate position to, and having taken advantage of, permitted development rights prior to the commencement of the A4 Direction.
70. As the Applicant had provided some information regarding the use and occupation of the Properties at the hearing which could have been pertinent to the determination in this matter, as referenced above, the Tribunal issued a Directions Order on 14 May 2025.
71. Within the Order, parties were given clear instructions to provide a statement detailing both the occupation of the Properties from the date of completion until the end of September 2023, together with the actual and/or intended use of the Properties, with corroborating evidence in respect of the same. The type of corroborating evidence that might be available was set out within the Order, with confirmation that other evidence could also be provided.
72. The Applicant failed to provide a detailed history of the occupation and the actual use and intended use of the Properties within the Supplemental Statement.
73. The information that has been provided by the Applicant, both to the Respondent and to the Tribunal, in respect of the occupation and use of the Properties has, at best, been inconsistent, and was not aided by the differing information provided by Shropshire Council.
74. The HMO licence applications for both properties indicated that the Properties were vacant on the date the information on the applications was completed, being 13 September 2023. In the Applicant's first statement to the Tribunal, the Applicant stated that the information given on the HMO applications was incorrect and that there were, in fact, "6" people living at "each property" on the date before the applications were made, these persons having been placed at the Properties by Shropshire Council. In a letter contained within the Applicant's

bundle, Shropshire Council referred to having placed “10” young adults in the Properties on “2 September 2023”.

75. At the hearing, the Applicant stated that the information given in the Respondent’s bundle, by Anna Phillips, was correct and that 6 young people had been placed at number 34 on 14 September 2023, with 5 young people being placed at number 32 on 27 September 2023. The Applicant also referred to Mrs Choudhary having occupied number 34 with her family from 2 August 2023, with Bellavista having been provided with a tenancy of number 32 from 8 September 2023. It was stated that the Applicant was unaware of the number of occupants that may have been residing at number 32 during Bellavista’s tenancy.
76. In the Supplemental Statement provided on 5 June 2025, the Applicant stated that Right to Stay took responsibility for both properties on 10 September 2023 and provided copies of those tenancy agreements. The Applicant reiterated that the information given by Anna Phillips regarding the occupation of number 34 was correct. No further information was given regarding the occupation of number 32.
77. In relation to the actual and intended use of the Properties, as noted by the Respondent, questions were raised and PCNs were served on the Applicant with regard to whether the construction of the Properties complied with the original planning permission and in respect of whether there had been a contravention due to unauthorised changes of use.
78. There was some evidence regarding the Properties initial intended use as class C3 dwelling houses, in that it appeared that the fire alarm and emergency lighting had been retrospectively fitted and invoices had been provided to suggest that fire door closers had been installed on 10 September 2023. The tenancy agreement for Mrs Choudhary had also been provided, although the Applicant failed to provide any further corroborating evidence that she had actually occupied number 34.
79. Contrary to this, the HMO application forms indicated that the Properties had first been used as HMOs in “2020”, although the Applicant’s first statement indicated that this response should have been “July 2023”. This suggested that the Properties had never been intended, since build completion, to be used as Use Class C3 dwellings.
80. Although the Applicant stated that number 32 had been let to Bellavista as an HMO, clause 1.5 of the tenancy agreement between the Applicant and Bellavista stated that the property was not let as an HMO and no evidence of any occupation had been provided.
81. The Applicant had also failed to provide copies of any building completion certificates or buildings insurance policies for the Properties.
82. Taking into account all of the above, the Tribunal finds that the Applicant has failed to provide sufficient clarity as to either the use (both actual or intended) or occupation of the Properties, and has provided insufficient information to suggest

that the Properties had legitimately been converted or used as HMOs prior to the commencement of the A4 Direction.

83. The Tribunal notes that the Respondent granted the licences for a term of one year, to allow planning permissions for Article 4 to be obtained. The Tribunal accepts that the procedure adopted by the Respondent – of granting the Licences but limiting the term, following the approach taken by Waltham Forest in the *Khan* decision – was a pragmatic solution.
84. For the above reasons, the Tribunal considers that the licence expiry date should not be varied to extend the term to 5 years but should be extended to a date two months after the date of this decision, to allow the Applicant to regularise the planning status of the Properties.

Appeal Provisions

85. If either party is dissatisfied with this decision, they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties (Rule 52 of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013).

M K GANDHAM

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Judge M K Gandham