



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

Case reference	:	CAM/00MG/MNR/2026/0008
Property	:	43 Hamilton House Lonsdale, Milton Keynes Bucks MK12 5FL
Applicant	:	Wolverton Park Ltd (Landlord)
Representative	:	None
Respondent	:	Josephine Soel (Tenant)
Representative	:	None
Type of application	:	Application by the Landlord for review & permission to appeal
Tribunal	:	N. Martindale FRICS
Date & Venue	:	13 May 2026 HMCTS, Cambridge County Court 197 East St. Cambridge C1 1BA
Date of decision	:	13 May 2026

DECISION

Decision

1. The Tribunal has considered the application for a review, and permission to appeal, of 8 May 2026 and determines that:
 - (a) it will not review its decision of 18 March 2026 as corrected under the slip rule, 8 May 2026 ('the Decision');

- (b) permission to appeal, is refused.
2. In accordance with section 11 of the Tribunals, Courts and Enforcement Act 2007 and rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, the respondent may make further application for permission to appeal to the Upper Tribunal (Lands Chamber). Such application must be made in writing and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the First-tier Tribunal sent notice of this decision to the party applying for permission to appeal. In this case permission to appeal has not been granted by the First Tier Tribunal.
 3. The Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 020 7612 9710); or by email: lands@hmcts.gsi.gov.uk

Reason for the Decision

4. *“The requirement of leave to appeal requires one to submit one’s grounds of dissatisfaction for scrutiny to see whether they have sufficient merit to justify an appeal.”* [Saleem v SoS for the Home Department [2001] 1 WLR 443, per Hale LJ @459]. However; *“It is Parliament’s wish and intention that resources should not be devoted to continuing appeals at higher levels if an appeal fails to cross the threshold test of permission to appeal.”* [Moyse v Regal Mortgages Ltd [2004] EWCA Civ 1269, per Brooke LJ @ 31].
5. Rule 55, Property Chamber Rules 2013, restricts the power of review: *“The Tribunal may only undertake a review of a decision – (a) pursuant to rule 53 (review on an application for permission to appeal); and (b) if it is satisfied that a ground of appeal is likely to be successful.”*
6. The Tribunal does not routinely carry out inspections of properties in determining market rents, as was the case here.
7. The application for Review and Permission to Appeal is set out in the email of 8 May 2025. The email set out 2 ‘reasons for the appeal’.
8. 1. *“...that the £120 deduction applied to the rent is disproportionate and does not properly reflect the condition and usability of the Property. The Tribunal expressly found that there were no significant defects within the flat itself, and the Property remained fully habitable throughout. While issues with the communal lift were acknowledged, these were temporary matters relating to the common areas and did not prevent occupation of the flat.”*
9. 2. *“Furthermore, insufficient consideration appears to have been given to the overall market rental value of comparable fourth-floor properties in the area and the extent to which prospective tenants would actually be deterred. We therefore believe the reduction is excessive and that the revised rent does not accurately reflect the Property’s market value.”*

10. The Tribunal noted its conclusion on market rents in the area at and around the valuation date, which was lower than the figure sought by the landlord in the notice. It also recognised a persistent failure and or unreliability of the communal lift service in this block in the three months leading up to the valuation date and the reasonable expectation that such unreliability might continue. The Tribunal concluded that in the case of a 4th floor flat in particular, whilst this significant problem (particularly at the time of moving in) would not reduce its value to a nil or nominal rental sum, it would be a problem for nearly all intended users and therefore attract a rental discount. That discount was assessed and applied by the Tribunal.
11. The Tribunal considers that there is no realistic prospect of success with such appeal at the Upper Tribunal, if permission to appeal had been granted.

N Martindale FRICS

13 May 2026