



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

Case Reference	CAM/00MF/PHB/2025/0001
Property	48 California Country Park Homes, Nine Mile Ride, Finchampstead, Wokingham, RG40 4HT
Applicants	David James Findlay & Susan Findlay
Respondent	JJ Cooper & Sons trading as Oxford Park Homes
Representative	Mr John Clement, Knights Professional Services Limited
Type of application	Application for an Order to Set Aside a Decision/Application for Permission to Appeal
Tribunal	Judge V Lloyd Judge D Wyatt
Date of Decision	30 June 2026

DECISION

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Decision

1. The tribunal has considered the Respondent's request for an Order pursuant to Rule 51(1) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 dated 18 June 2026 that the Tribunal's Decision dated 1 June 2026 be set aside and that the decision be re-made or alternatively that further case management directions be provided, and determines that the Respondent has identified no irregularity which falls within Rule 51(2).
2. Consequently, the tribunal has considered the Respondent's request as an application for permission to appeal against the Tribunal Decision pursuant to Rule 56 and determines that:
 - (a) it will not review its decision; and

- (b) permission be refused for appeal to the Upper Tribunal (Lands Chamber).
- 3. 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.
- 4. 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-content/uploads/2023/09/20230927-PD-UT-Lands-Chamber-CE-File.pdf>
- 5. Alternatively, you can submit your application for permission to appeal by email to: 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 FOR THE DECISION

- 7. The test as to whether to grant permission to appeal is whether there is a realistic prospect of success.
- 8. In the present case, the tribunal does not consider that any ground of appeal has a realistic prospect of success.
- 9. As to the application, the Respondent raised the ground that a document was not sent to the Applicants or the tribunal prior to the hearing as it was not available prior to the hearing and that it would be in the interests of justice for the tribunal to set aside and re-make the Decision in light of the evidence.
- 10. The tribunal has reviewed the document(s), specifically an email from Mr Richard Fincham, an estate agent formerly employed by Hunters Estate Agents in Wokingham dated 3 June 2026 ("the email"), which postdates the Decision together with a second Witness Statement from Mr Joseph Cooper, a partner of the Respondent dated 18 June 2026. We have not referred to the Applicants' objections dated 20 June 2026 because it is not clear whether the Respondent might need the opportunity to answer them.
- 11. The tribunal is not satisfied that the *Ladd v Marshall* [1954] EWCA Civ 1 criteria are met:
 - (a) The evidence could have been obtained with reasonable diligence for the hearing as the Respondent states that he knew the owner of Hunters Estate Agents but did not contact them (or anyone else at

Hunters) to obtain Mr Fincham's current contact details until they were disappointed by the Decision.

- (b) The email from Mr Fincham probably would not have an important influence on the case since the email states that he was acting only in the Applicants' sale, not for the Respondent, matters relating to 48 California Country Park were negotiated between the Applicants and Respondent directly and the e-mail states that "*at no stage did I mention a £67 per month rental fee as all other sales I have negotiated on the site have all been £67 per week*". Specifically, Mr Findlay does not confirm that he informed the Applicants of a £67 per week rental fee, contrary to the Respondent's second witness statement in which Mr Cooper alleges that Mr Findlay had told him that he had informed the Applicants that "*the starting pitch fee would be £67 per week*", which raises issues of credibility. Similarly firm assertions in Mr Cooper's first witness statement were qualified by the more careful, or different, evidence given by Mr Cooper at the hearing. We have no witness statement from Mr Fincham himself. If Mr Cooper's second witness statement and/or the e-mail from Mr Fincham were admitted, the tribunal would need to provide for answering evidence and another hearing. This new material is not likely to have sufficient influence/credibility to justify that, even apart from the fundamental point that it should have been obtained for the hearing if the Respondent wished to rely on it.

12. For these reasons, the tribunal is not satisfied that the ground raised has any realistic prospect of success nor is there any other good reason to allow an appeal to proceed. Accordingly, permission to appeal is refused.

Name: Tribunal Judge V Lloyd

Date: 30 June 2026