FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**BIR/00CN/HNB/2026/0011**
Subject Property	**:**	**3 Bodmin Grove, Nechells, Birmingham, B7 4PG**
Applicant	**:**	**Eyitayo Olotu**
Representative	**:**	**Richard Acheampong, solicitor**
Respondent	**:**	**Birmingham City Council – Private Rented Sector Licensing (Ref: BCC-684838053384H-NOT4)**
Representatives	**:**	**Callum Styring, solicitor James Openshaw– Enforcement Officer**
Type of Application	**:**	**An appeal against a Financial Penalty - section 249A & Schedule 13A to Housing Act 2004**
Date of Hearing	**:**	**8 October 2026**
Tribunal Members	**:**	**Deputy District Judge Stephen Haythorne Julie Rossiter MBA MRICS**
Date of Decision	**:**	**23 October 2026**

DECISION

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Introduction

1 This is the Tribunal's determination on an appeal made by Eyitayo Olotu(the Applicant) against the decision of Birmingham City Council (the Respondent) to impose a financial penalty under section 249A of the Housing Act 2004 (the 2004 Act) relating to 3 Bodmin Grove, Nechells, Birmingham, B7 4PG (the Property).

2 The Applicant is the leasehold owner of the Property and the Respondent is the local housing authority which imposed the financial penalty.

3 The 2004 Act introduced licensing for certain categories of residential accommodation. Under Part 2 of the 2004 Act and the Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (the Order), properties which fall within the definition of a house in multiple occupation (HMO) and within a prescribed description are required to be licensed with the local housing authority.

4 Section 254 of the 2004 Act defines a HMO. The definition includes, at section 254 (1)(e), a converted block of flats to which section 257 applies.

5 Under section 257 of the 2004 Act a converted block of flats is a building or part of building which has been converted into and consists of self-contained flats and the building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them. Further, less than two-thirds of the self-contained flats are owner-occupied.

6 The prescribed description within the Order, does not include HMO's which fall within the definition of a converted block of flats at section 257 of the 2004 Act. Such an HMO is not therefore subject to mandatory licensing under section 55 of the 2004 Act and would only be required to be licensed if it is the subject of additional licensing as designated by the local authority under section 56 of the 2004 Act or is within an area which is the subject of selective licensing under Part 3 of the 2004 Act.

7 Under section 72 of the 2004 Act, a person who has control of or manages a house that is required to be licensed under Part 2, but is not so licensed, commits an offence.

8 Commission of offences under section 72 of the 2004 Act may lead to criminal prosecution and conviction or to the imposition by the local housing authority of a financial penalty pursuant to section 249A of the 2004 Act.

Background and the Parties' cases

9 The Applicant is the registered owner of the Property and has owned the Property since 2007.

10 In 2018 the Applicant made a planning application to the Respondent to convert the Property to either 2 or 3 self-contained flats. The Applicant says that such application was in relation to making the self-contained flats into 3 separate leasehold properties, each with its own registered title number. Both applications were refused in 2018.

11 The Applicant says that upon the refusal of planning permission, he decided to leave the self-contained flats as 3 rented properties within the single building under one registered title.

12 On 28 August 2020 the Respondent confirmed that the Property was to be considered to be a HMO for planning purposes. The email referred the Applicant to the Respondent's Private Rented Standards' team for queries about HMO licensing.

13 The Applicant says that between 2021 and 2023 internal, non-structural works were carried out at the Property, including creation of internal entrance doors to separate areas of the Property, the installation of kitchen facilities to the first and second floors and fire safety measures.

14 The Applicant says that each floor of the Property already had bathroom facilities when the Property was first built.

15 The Applicant says that these works did not require planning permission and that is the reason that he did not apply for planning permission for those works.

16 The Applicant also says that the works did not require a building control certificate and that all that was required were fire risk assessments and fire alarm certification, which were obtained after the works were completed.

17 On 28 May 2024, Index Assets & Consulting Ltd entered into an assured shorthold tenancy agreement for Flat 2, 3 Bodmin Grove. The tenancy agreement was stated to commence on 15 August 2024 and end 14 June 2025.

18 On 20 August 2024, Index Assets & Consulting Ltd entered into an assured shorthold tenancy agreement for Flat 3, 3 Bodmin Grove. The tenancy agreement was stated to commence on 1 September 2024 and end 31 June 2025.

19 On 16 September 2024, Index Assets & Consulting Ltd entered into an assured shorthold tenancy agreement for Flat 1, 3 Bodmin Grove. The tenancy agreement was stated to commence on 17 September 2024 and end 16 June 2025.

20 By a letter dated 20 February 2025 the Respondent contacted the Applicant stating that the Applicant may have been operating a property without a licence. The letter referred to the Respondent's selective licence and small houses in multiple occupation schemes.

21 The Applicant responded on 27 February 2025 stating that there was a HMO declaration in place since August 2020. The Respondent responded on 6 March 2025 making clear that such declaration was for planning purposes only and was separate to the licensing scheme.

22 On 3 April 2025 the Respondent contacted the Applicant stating that the Applicant had still not applied for a licence and that an application needed to be submitted by 10 April 2025.

23 On 8 May 2025 the Respondent sent a Notice of Intent to the Applicant by first class post. The Notice of Intent referred to offences under section 72 of

the 2004 Act and proposed a financial penalty of £12,500.00. The covering letter sent with the Notice of Intent referred to the Respondent's selective licensing scheme.

24 By a letter dated 8 May 2025, the Respondent wrote to the Applicant withdrawing the Notice of Intent because the Respondent says that it had used the wrong starting scale under its policy.

25 On 8 May 2025 the Respondent sent a Notice of Intent to the Applicant by first class post. The Notice of Intent referred to offences under section 72 of the 2004 Act and proposed a financial penalty of £17,500.00. The covering letter sent with the Notice of Intent once again referred to the Respondent's selective licensing scheme.

26 On 12 May 2025 the Applicant emailed the Respondent stating that they did attempt to register the Property for an HMO licence. The Applicant says that the Respondent's website requested the postcode for the Property and stated that the selective licensing scheme did not apply to that area. The Applicant exhibits a screen shot which evidences this.

27 On 13 June 2025 the Applicant applied for Mandatory HMO licence.

28 Also on 13 June 2025, the Applicant, at the request of the Respondent, provided information about the Property as follows:

- There are 3 floors in the Property.
- There are 3 tenancy agreements. 1 for each floor.
- Each floor is designed as self-contained with its own kitchen and bathroom. Each self-contained floor has 2 bedrooms.

29 On 18 June 2025, the Respondent replied to the Applicant stating '*that we also now know that [the Property] is not an additional HMO*', but did require a licence under section 257 of the 2004 Act because the Property had been converted into self-contained flats. The Respondent asked the Applicant to complete a section 257 licence application by 2 July 2025.

30 The Applicant says that by the end of June 2025, the majority of student tenants vacated the Property for the summer, leaving just 1 tenant remaining.

31 On 10 July 2025 the Applicant wrote to the Respondent saying that they were unable to apply for section 257 licence because they already had the mandatory HMO licence in the Respondent's system and that system would not allow different applications in respect of the same property. The Respondent wrote back the same day to advise that the mandatory HMO licence application had been cleared and for the application for a section 257 licence to be done as soon as possible.

32 The Applicant says that he did not apply for a licence at this stage as the Property was not occupied and therefore did not require a licence.

33 On 23 October 2025, the Respondent sent a Notice of Intent to the Applicant by first class post. The Notice of Intent referred to offences under section 72(1) of the 2004 Act and proposed a financial penalty of £12,500.00. The covering letter sent with the Notice of Intent referred to the Respondent's section 257 HMO licensing scheme which came into effect on 5 June 2023.

34 On 29 November 2025 the Applicant applied for the section 257 licence. The Applicant says that he applied for a licence at this time because the Property was going to occupied again after this date.

35 On 15 January 2026 the Respondent sent a Final Notice to the Applicant by first class post. The Final Notice referred to offences under section 72(1) of the 2004 Act and had an offence date of 13 June 2025. The financial penalty was £14,000. The covering letter sent with the Final Notice referred to the Respondent's Additional Licensing Scheme which came into effect on 5 June 2023.

36 On 26 January 2026, the section 257 licence application was processed by the Respondent and a licence granted,

37 The Respondent appealed to the Tribunal by an Appeal Form dated 12 February 2026.

38 The Applicant says that he is seeking a Building Control Regularisation Certificate. The Applicant says he is seeking this because he has a number of certificates for what is required to be certified, but by having a Building Control completion certificate, this will ensure that everything he needs is encompassed in one certificate.

The Law

39 The regime of financial penalties as an alternative to prosecution for certain housing offences came into force on 6 April 2017

40 Section 249A of the 2004 Act, provides

> (1) The local housing authority may impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person's conduct amounts to a relevant housing offence in respect of premises in England.
> (2)In this section 'relevant housing offence' means an offence under—
>
> (a)
> (b)Section 72 (licensing of HMO's)
> (c) .....
>
> (3) Only one financial penalty under this section may be imposed on a person in respect of the same conduct.
> (4) The amount of a financial penalty imposed under this section is to be determined by the local housing authority but must not be more than £30,000.
> (5) The local housing authority may not impose a financial penalty in respect of any conduct amounting to a relevant housing offence if—
>
> (a) the person has been convicted of the offence in respect of that conduct, or
> (b) criminal proceedings for the offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.
>
> (6) .....
> (7) .....
> (8).....
> (9)For the purposes of this section a person's conduct includes a failure to act.

41 S.249A of the 2004 Act has been amended by the Financial Penalties (Housing Offences and Breach of Banning Orders) Regulations 2026 from 1 May 2026 so as to increase the maximum amount of financial penalty to £40,000. These changes do not apply to conduct which amounted to an offence which occurred before 1 May 2026. The Tribunal is therefore concerned with the position before the commencement of the change as the conduct alleged occurred before the increase from £30,000 to £40,000. The law as it stood at that time is therefore set out above.

42 Section 55 of the 2004 Act provides:

(1) This Part provides for HMOs to be licensed by local housing authorities where—

(a) they are HMOs to which this Part applies (see subsection (2)), and

(b) they are required to be licensed under this Part (see section 61(1)).

(2) This Part applies to the following HMOs in the case of each local housing authority—

(a) any HMO in the authority's district which falls within any prescribed description of HMO, and

(b) if an area is for the time being designated by the authority under section 56 as subject to additional licensing, any HMO in that area which falls within any description of HMO specified in the designation

43 Section 56 of the 2004 Act provides:

(1)A local housing authority may designate either—

(a)the area of their district, or

(b)an area in their district,

as subject to additional licensing in relation to a description of HMOs specified in the designation, if the requirements of this section are met.

(2)The authority must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.

(3)Before making a designation the authority must—

(a)take reasonable steps to consult persons who are likely to be affected by the designation; and

(b)consider any representations made in accordance with the consultation and not withdrawn.

(4)The power to make a designation under this section may be exercised in such a way that this Part applies to all HMOs in the area in question.

(5)In forming an opinion as to the matter mentioned in subsection (2), the authority must have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area in question.

(6)Section 57 applies for the purposes of this section

44 The explanatory note to the Order states:

The Order applies to HMOs in England but does not apply to converted blocks of flats, to which section 257 of the Act applies.

45 Section 61(1) of the 2004 Act provides –

Every HMO to which this Part applies must be licensed under this Part unless—
(a) a temporary exemption notice is in force in relation to it under section 62, or
(b) an interim or final management order is in force in relation to it under Chapter 1 of Part 4.

46 Section 72 of the 2004 Act states:

(1)If an HMO is required to be licensed under this Part (see section 61(1)) but is not so licensed, an offence is committed by—
(a)any person within subsection (1A), and
(b)any person who as landlord under a tenancy or licensor under a licence to occupy has an estate or interest in, or a right in relation to, the HMO that is superior (whether directly or indirectly) to the estate, interest or right of any person within subsection (1A).
(1A)The following are within this subsection—
(a)any person having control of or managing the HMO, and
(b)any person who is the landlord or licensor in relation to a person occupying the HMO under a tenancy or licence.
(2)A person commits an offence if—
(a)he is a person having control of or managing an HMO which is licensed under this Part,
(b)he knowingly permits another person to occupy the house, and
(c)the other person's occupation results in the house being occupied by more households or persons than is authorised by the licence.
.....
(4A)In proceedings against a person for an offence under subsection (1)(a) it is a defence for them to prove that they had a reasonable excuse—
(a)for having control of or managing the HMO, or
(b)for being the landlord or licensor in relation to a person occupying the HMO under a tenancy or licence, in circumstances in which the HMO was required to be licensed under this Part but was not so licensed.
(4B)In proceedings against a person for an offence under subsection (1)(b) it is a defence for them to prove that they—
(a)did not know, and had a reasonable excuse for not knowing, that the building or part of the building concerned was an HMO,
(b)took all reasonably practicable steps to ensure that the HMO was licensed under this Part, or
(c)had some other reasonable excuse for failing to ensure that the HMO was so licensed.
(4C)For the purposes of subsection (4B), a term in the tenancy agreement or licence to occupy relating to the occupation of the building or part of the building that is an HMO does not on its own constitute a defence under any of paragraphs (a) to (c) of that subsection.
.....
(7A)See also section 249A (financial penalties as alternative to prosecution for certain housing offences in England)

.....

47 Section 254 of the 2004 Act sets out the meaning of a HMO as follows:

(1)For the purposes of this Act a building or a part of a building is a "house in multiple occupation" if—

(a)it meets the conditions in subsection (2) ("the standard test");

(b)it meets the conditions in subsection (3) ("the self-contained flat test");

(c)it meets the conditions in subsection (4) ("the converted building test");

(d)an HMO declaration is in force in respect of it under section 255; or

(e)it is a converted block of flats to which section 257 applies

48 Section 257 states:

(1)For the purposes of this section a "converted block of flats" means a building or part of a building which—

(a)has been converted into, and

(b)consists of,

self-contained flats.

(2)This section applies to a converted block of flats if—

(a)building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them; and

(b)less than two-thirds of the self-contained flats are owner-occupied.

(3)In subsection (2) "appropriate building standards" means—

(a)in the case of a converted block of flats—

(i)on which building work was completed before 1st June 1992 or which is dealt with by regulation 20 of the Building Regulations 1991 (S.I. 1991/2768), and

(ii)which would not have been exempt under those Regulations,
building standards equivalent to those imposed, in relation to a building or part of a building to which those Regulations applied, by those Regulations as they had effect on 1st June 1992; and

(b)in the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984 (c. 55).

(4)For the purposes of subsection (2) a flat is "owner-occupied" if it is occupied—

(a)by a person who has a lease of the flat which has been granted for a term of more than 21 years,

(b)by a person who has the freehold estate in the converted block of flats, or

(c)by a member of the household of a person within paragraph (a) or (b).

(5)The fact that this section applies to a converted block of flats (with the result that it is a house in multiple occupation under section 254(1)(e)), does not affect the status of any flat in the block as a house in multiple occupation.

(6)In this section "self-contained flat" has the same meaning as in section 254.

49 Paragraphs 1 – 8 of Schedule 13A of the 2004 Act provides the procedure to be followed by local housing authorities before imposing a financial penalty which includes:

i. Service of a notice of intent within 6 months before the end of a period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates and which states the amount of financial penalty, the reasons for such penalty and the right to make representations;
ii. Service of a final notice if the authority decides to impose a financial penalty, which must include information about the amount of financial penalty, the reasons for such penalty, the payment period, the right to appeal and consequences of failure to comply.
iii. The final notice must require the financial penalty to be paid within a period of 28 days beginning with the day after the day on which the notice is given.

50 By paragraph 10(1) Schedule 13A of the 2004 Act, a person to whom final notice is given may Appeal to the First-Tier Tribunal against:

a) the decision to impose the penalty or
b) the amount of the penalty

51 By paragraph 10(3) of Schedule 13A of the 2004 Act, an appeal under this paragraph is to be a rehearing of the local housing authority's decision, but may be determined having regard to matters which the authority is unaware, and by clause 10(4), the Tribunal may confirm, vary or cancel the final notice.

Determination of the Tribunal

52 The Tribunal considered the application in three parts –

(i) Whether the Tribunal was satisfied beyond reasonable doubt that the Applicant's conduct amount to a 'relevant housing offence' for the

purposes of section 249A of the 2004 Act. A 'relevant housing offence' includes offences under sections 72 of the 2004 Act.

(ii) Whether the Respondent complied with the requirements and procedures regarding the imposition of the financial penalty contained within section 249A and Schedule 13A of the 2004 Act.

(iii) Whether the Financial Penalty was set at an appropriate level, having regard to any relevant factors, including:

(a) the offender's means;

(b) the severity of the offence;

(c) the culpability and track record of the offender;

(d) the harm (if any) caused to a tenant of the premises;

(e) the need to punish the offender, to deter repetition of the offence or to deter others from committing similar offences; and/or

(f) the need to remove any financial benefit the offender may have obtained as a result of committing the offence.

Relevant Housing Offence under section 249A of the 2004 Act

The requirements of the offence

53 In order for the Property to be a HMO, the Tribunal must be satisfied, beyond reasonable doubt, that it meets the definition at s.257 of the 2004 Act.

54 There does not appear to be any dispute that that the Property is a building which has been converted into and consists of self-contained flats. The Tribunal is therefore satisfied that this part of the definition is proved.

55 The next and key question is whether the Tribunal is satisfied, beyond reasonable doubt, that the conversion did not comply with the appropriate building standards when the conversion was undertaken and did not comply at the time of the alleged offence.

56 The Respondent has not inspected the flats post conversion and has provided no evidence with regard to the conversion, either at the time of the conversion or at the time of the alleged offence date of 13 June 2025.

57 The Respondent instead relies on the lack of planning permission and lack of Building Control approval and compliance and lack of Regularisation Certificates.

58 The Applicant says that the relevant certification for electrical, fire safety and plumbing matters had been obtained and that the Property was understood to have been completed in accordance with the applicable building regulations.

59 The Tribunal notes that the Applicant did apply for and was granted a licence under the additional licence scheme. However, the Tribunal notes that this was done because the Respondent advised the Applicant that this was required. Nowhere within the application does the Applicant accept that the Property was converted without compliance with the appropriate building standards.

60 This is a case where the Tribunal must be satisfied that the Property was an HMO, as defined by section 257 of the 2004 Act and which required a licence, but was not so licenced.

61 In terms of the burden of proof, the Respondent referred the Tribunal to the case of Hastings Borough Council -v- Linda Turner [2020] UKUT 184 (LC) (the Hastings case).

62 The Hastings case was a case which involved the applicant, who was a freehold owner of a flat in the subject property, appealing against the decision to grant a HMO licence under the local authority's additional licensing scheme. The First Tier Tribunal, on a preliminary issue as to whether the subject property was converted block of flats for the purposes of section 257 of the 2004 Act, found that the burden of proof for proving that the subject property did fall within the definition of section 257, fell on the respondent local authority to prove on the balance of probabilities.

63 Cooke J found, at paragraph 33:

> *The respondent was the applicant in the FTT. She appealed the grant of the licence. It was for her to prove that the property was not an HMO within the definition of section 257; the FTT was in error when it said at its paragraph 13 that it was for the respondent in the FTT to prove that the property was an HMO.*

64 This case can be distinguished from the Hasting's case. This is a case involving an appeal against a financial penalty. The Tribunal must make a finding, to the criminal standard of proof, that is beyond reasonable doubt, that the Property falls within the definition at section 257. In this respect the Tribunal is bound by the same principles as the criminal courts in deciding whether an offence is committed.

65 With regard to the criminal law, innocence is presumed unless the contrary is proved beyond reasonable doubt. In that respect an accused does not have to do anything, they do not have to prove their innocence, the burden falls on those prosecuting the offence.

66 The case of Sutton and Another -v- Norwich City Council [2020] UKUT 90 (LC) (the Norwich case) involved appeals against financial penalties imposed by the respondent local authority which required the Tribunal to decide whether a subject property was licensable under the respondent local authority's additional licensing scheme regarding HMO's which fall within the definition of an HMO for the purposes of section 257.

67 At paragraph 59 of the Norwich case, it is clear that it was accepted by the respondent local authority that although the local authority was the respondent, it was for the local authority to satisfy the Tribunal beyond reasonable doubt that the applicant's conduct amounted to relevant offences. The Tribunal did not state that this position was incorrect.

68 The Tribunal is satisfied that it is not for the Applicant to prove that they did not commit an offence, it is for the local authority to prove, beyond reasonable doubt, that they did.

69 As stated above, the Respondent has not inspected the Property, there is no expert report or other evidence that the conversion did not comply with appropriate building standards when the conversion took place and did not so comply as of 13 June 2025.

70 The Respondent appears to rely upon the lack of planning approval and lack of a Building Control certificate as evidence.

71 In the Norwich case, the Tribunal stated, at paragraph 79, that the planning status of a building is not relevant to the application of the 2004 Act. In this case the Applicant says that planning permission was refused to convert the building into individually registered leasehold properties without sufficient parking and garden provision for each flat and that planning approval was not required to carry out the actual conversion of the building. The Respondent did not challenge this assertion.

72 At paragraph 85 of the Norwich case, it was not suggested by the respondent local authority that an absence of a building control certificate was conclusive evidence of the issue of non-compliance with appropriate building standards.

73 For the Tribunal to be satisfied, beyond reasonable doubt, that the Property did not comply with appropriate building standards at the time of conversion and on the offence date, it would need to know what the appropriate building standard was and how it had been breached. There is no evidence before the Tribunal which evidences this.

74 On that basis, the Tribunal is not satisfied, beyond reasonable doubt, that the conversion did not comply with the appropriate building standards and the offence is not made out. The Tribunal is not required to deal with the remaining stages.

Costs

75 The Applicant made an oral application for the Respondent to pay the Applicant's costs under rule 13(1)(b) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 on the basis that the Applicant acted unreasonably in bringing, defending or conducting proceedings.

76 The Applicant referred to the case of Willow Management Company (1985) Ltd -v- Alexander [2016] UKUT 290 (LC) where Deputy Chamber President Martin Rodger QC said at paragraphs 24 and 26

24. .....An assessment of whether behaviour is unreasonable requires a value judgment on which views might differ but the standard of behaviour expected of parties in tribunal proceedings ought not to be set at an unrealistic level. We see no reason to depart from the guidance given in Ridehalgh at 232E, despite the slightly different context. "Unreasonable" conduct includes conduct which is vexatious, and designed to harass the other side rather than advance the resolution of the case. It is not enough that the conduct leads in the event to an unsuccessful outcome. The test may be expressed in different ways. Would a reasonable person in the position of the party have conducted themselves in the manner complained of? Or Sir Thomas Bingham's "acid test": is there a reasonable explanation for the conduct complained of?

.....

26. We also consider that tribunals ought not to be over-zealous in detecting unreasonable conduct after the event and should not lose sight of their own powers and responsibilities in the preparatory stages of proceedings.

77 In this case there was a lack Building Control certification with regard to the Property and the Respondent proceeded on the basis that this was evidence of a failure to comply with appropriate building standards.

78 The Respondent did have reason to consider that the Property did not comply with the appropriate building standards, albeit the Tribunal found that this was not sufficient.

79 The Respondent responded to the application on that basis and it was not unreasonable to continue. Whist the outcome may have been unsuccessful, that is not enough.

80 The Tribunal is not satisfied that the Respondent's behaviour amounts to unreasonable behaviour.

81 The Tribunal notes that it has discretion to 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.

82 The Applicant has been successful in their claim and the Tribunal orders that the Respondent should pay the Tribunal fees of £341.00

Summary

83 The Applicant's appeal is upheld and the Final Notice quashed

84 The Tribunal orders under rule 13(2)of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 that the Respondent reimburse to the Applicant £114.00 in respect of the application fee and £227.00 in respect of the hearing fee, in total **£341.00** not later than 28 days from the date that this decision is sent to the parties.

Appeal

85 If a party wishes to appeal this Decision, that appeal is to the Upper Tribunal (Lands Chamber). However, a party wishing to appeal must first make written application for permission to the First-tier Tribunal at the Regional office which has been dealing with the case.

86 The application for permission to appeal must be received by the Regional office within 28 days after the Tribunal sends written reasons for the decision to the person making the application.

87 If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason(s) for not complying with the 28-day time limit. The Tribunal will then consider the reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.

88 The application for permission to appeal must state the grounds of appeal and state the result the party making the application is seeking.

23 October 2026

Stephen Haythorne
Deputy District Judge