FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference	**:**	**CHI/4OUB/HIN/2019/0011**
Property	**:**	**Flat 2A Cats Ash, Shepton Mallet, Somerset, BA4 5EH**
Type of Application	**:**	**Housing Act 2004 – Schedule 1 Paragraph 10(1) Improvement Notice**
Applicant	**:**	**Edward and Josephine Nicholls**
Respondent	**:**	**Mendip District Council**
Representative	**:**	**Shape Legal Services**
Tribunal Member	**:**	**Judge M Davey**
Date of Decision with reasons	**:**	**23 October 2019**

DECISION

The Improvement Notices dated 30 April 2019 and served on the Applicants by the Respondent are confirmed subject to amended compliance dates as specified in paragraph 50 below.

REASONS

The Application

1. By an application ("the Application") dated 20 May 2019, and made under paragraph 10(1) of Schedule 1 to the Housing Act 2004 ("the 2004 Act"), Mr Edward Nicholls and Mrs Josephine Mary Nicholls ("the Applicants") appealed against Improvement Notices, dated 30 April 2019 and served on each of them by Mendip District Council ("the Respondent") under sections 11 and 12 of the 2004 Act, with regard to the dwelling 2A Cats Ash, Shepton Mallet, BA4 4ND ("the subject property") of which the Applicants are the registered freehold owners. The Improvement Notices required the Applicants to carry out specified remedial works to the subject property in order to remedy three identified category 1 hazards and one identified category 2 hazard, found by the Respondent to be present at the property.

2. On 12 June 2019 Judge P J Barber issued directions to the parties ("the Directions"). The Directions stated that the issue to be determined was "whether or not the requirements contained in the Improvement Notice(s) are reasonable."

3. The Directions further stated that the Application would be determined on the papers without a hearing, in accordance with Rule 31 of the Tribunal Procedure (First-Tier Tribunal) (Property Chamber) Rules 2013, unless either or both parties objected in writing to the Tribunal within 28 days of the Directions. No such objection was received and the Tribunal has accordingly considered the Application on the basis of the written submissions of the parties.

4. The Housing Health and Safety Rating System ("HHSRS") was introduced by the Housing Act 2004. It is a system to be applied by local housing authorities in order to evaluate the potential risk to health and safety from deficiencies identified in dwellings using objective criteria. The deficiencies are categorised as either category 1, or category 2, hazards.

5. Section 2(1) of the Act defines a "category 1 hazard" as

   "a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazard of that description, a numerical score of or above a prescribed amount."

6. The prescribed method for calculating the seriousness of the hazard is set out in the Housing Health and Safety Rating System (England) Regulations 2005 ("the 2005 Regulations"). Those Regulations prescribe bands of hazard on the basis of a range of numerical scores. The higher the score, the more serious is the hazard. The bands range from A to J. Band A relates to scores of 5,000 or above, Band B to scores between 2,000 and 4,999 and Band C to scores between 1,000 and 1,999. Any hazard in Band A, B, or C is a category 1 hazard. All other hazards are Category 2 hazards (as defined in section 2(1) of the 2004 Act). The 2005 Regulations set out the details of the scoring system.

7. Section 5(1) of the 2004 Act provides that if the local authority considers that a category 1 hazard exists on any residential premises they **must** take the appropriate enforcement action in relation to the hazard. Section 5(2) sets out the seven possible types of action that the authority might take. These include the service of an Improvement Notice. If two or more courses of action are available to the authority in relation to the hazard, they must take the one that they consider to be the most appropriate.

8. Section 7 of the 2004 Act provides that where a local authority considers that a category 2 hazard exists on any residential premises they **may** take one of five specified courses of action. These include the service of an Improvement Notice under section 12 of the Act.

9. Section 9 of the 2004 Act requires local authorities to have regard to the HHSRS operating guide and the HHSRS Enforcement Guidance published by the ODPM (as was) in February 2006 when carrying out their functions under the Act.

10. The statutory provisions with regard to Improvement Notices are set out in sections 11 to 19 of the 2004 Act. Sections 11(2) (category 1 hazards) and 12(2) (category 2 hazards) define an Improvement Notice as a notice requiring the person on whom it is served to take such remedial action in respect of the hazard concerned as is specified in the notice. Section 13 provides that the notice must specify when the remedial action is to be started and the date by which it is to be completed (or the period within which each part is to be completed).

11. Paragraph 10(1) of the First Schedule to the 2004 Act provides that a person on whom an Improvement Notice is served may appeal to this Tribunal. Paragraph 15 of the same Schedule provides that the appeal is by way of a rehearing (i.e. reconsideration) of the matter and that the Tribunal may by order confirm, quash or vary the Improvement Notice.

Background to the Appeal

12. On 5 December 2018 the tenant of the subject property made a complaint to the Respondent Council regarding damp and mould at the property. The property is a self contained one bedroom flat on the first floor within a house in multiple occupation ("HMO"). It is one of five

self-contained properties in the building, which is Grade II listed. The owners of the building are the Applicants, Mr Edward Nicholls and Mrs Josephine Nicholls.

13. On 12 December 2018 the Respondent gave Mr Nicholls notice, under section 239 of the 2004 Act, of their intention to inspect the subject property. On 19 December 2018 Ms Amanda Rose, an Environmental Health Officer ("the EHO") employed by the Respondent, inspected the property. She identified extreme mould and damp such as to present a health risk to any occupier. Ms Rose said that the cause was the lack of adequate affordable heating and mechanical ventilation. She also noted a missing glazing unit in the lounge window frame, which had been boarded over. The Respondent took photographs and these were later placed in evidence in these proceedings.

14. In accordance with the Council's policy framework, the EHO decided that in the first instance it was appropriate to take an informal enforcement approach rather than engage statutory enforcement measures. She therefore prepared and served, on 2 January 2019, a Schedule of works on Mr Nicholls ("the Schedule"). Her accompanying letter requested that Mr Nicholls show progress in making arrangements for the required works to be undertaken within two weeks, including where appropriate making initial contact with conservation officers to discuss required listed building consent.

15. Following the service of the Schedule there was a period of extensive correspondence, telephone calls and meetings between the Respondent and Mr Nicholls about ways in which the Schedule could be complied with and advice on management of the building overall. This led to the Respondent Council granting an extension for a further two months, during which the EHO would contact Mr Nicholls after six weeks, on 4 March 2019, to establish progression with the required works.

16. By the end of March the EHO was concerned that the required works were not being progressed and on 1 April 2019 the EHO informed Mr Nicholls that a further inspection would be arranged to reassess the situation. That same day the Council issued a notice under section 239 of the 2004 Act notice to Mr Nicholls and to the occupying tenant of the property.

17. On 3 April 2019 the EHO visited the property again, took more photographs, and noticed that nothing had improved from the previous inspection. Indeed it was noted that the mould had worsened and conditions for the tenant, who was still in occupation, had deteriorated. No fire doors had been fitted, and the heating system had not been improved nor had any quotes or specifications for a new heating system been provided. The EHO also noted that the dampness in the bathroom had deteriorated considerably and was now seriously affecting the floorboards, causing the WC pan to tilt to a dangerous angle and appear to be falling through the bathroom floor. On returning to the office the EHO scored the new hazard of Structural Collapse and Falling Elements,

with regard to this matter, adding it to the previous hazards on file as provided on 2 January 2019. This latest assessment scored the hazard to be a category 1 hazard.

18. The EHO says she believed that the tenant would be vacating and therefore it was considered that an Improvement Notice rather than a Prohibition Notice was the most appropriate course of action. This was served on Mr & Mrs Nicholls on 30 April 2019.

The Improvement Notices

19. The Improvement Notice served by the Respondent under sections 11 and 12 of the 2004 Act identified three Category 1 hazards and one Category 2 hazard. In the case of each hazard the Notice stated the nature of the hazard, the deficiencies giving rise to the hazard and the nature of the remedial action required to be taken.

Category 1 Hazards

20. The first hazard was Excess Cold. The deficiencies giving rise thereto were first, that there was insufficient working heating provision throughout the property; second, that there was no heating in the bathroom; and third, that one of the double glazed window units in the lounge had been boarded over, as there was no glazing unit fitted. A rusty electric panel heater in the kitchen was not in working order or safe to use and the storage heaters in the lounge and in the bedroom required servicing and testing to establish that the output met the minimum requirements for a heating system of this type that is efficient and affordable. The remedial action required was (a) the provision of a full gas central heating system or a full electric heating system, preferably the former and (b) removal of the boarding from the unglazed window and its replacement with a new glazed unit.

21. The second hazard was Damp and Mould. The identified deficiencies were first, the presence of severe mould and damp throughout the property; second, the absence of any working mechanical ventilation units in the flat; third, the cupboard housing the water tank was severely affected by damp and mould; and fourth, all of the kitchen base and wall cupboards fitted in the kitchen were ingrained with mould leaving them unhygienic and unfit to store food items. The remedial action required was in summary to (a) eliminate the mould and carry out preventative treatment, as specified, to prevent recurrence (b) provide and fit electrically operated humidity sensitive extractor fans, one to the kitchen, to replace the previous defective unit and one to the bathroom, which were the worst affected areas and if this did not solve the problem, to install a Positive Input Ventilation System (c) clean all pipework in the property especially fitted in the kitchen and bathroom and cupboard housing the water tank.

22. The third hazard was Structural Collapse and Falling Elements. The identified deficiency was that the floorboards under the toilet in the

bathroom were rotting and causing the wc pan to tilt to one side and fall through the floor area. The remedial action required was to remove the wc, construct a new floor using any sound existing materials and to refit the wc.

Category 2 hazard

23. The hazard identified was Fire Safety. The deficiencies giving rise to the hazard were; first, the absence of fire seals from the main entrance door to the flat exiting onto the main staircase; second, a door missing from the entrance to the kitchen; third, the door fitted to the bedroom does not provide 30 minute protection to the occupants should a fire break out in the kitchen or lounge; fourth, the window in the bedroom is difficult to access and is not a suitable means of escape from the room, which is an inner room; and fifth, there is insufficient Automatic Fire Detection (AFD) fitted to the flat taking into account the current layout with the bedroom being an inner room.

24. The remedial action required was (a) replace the smoke seals to the entrance door to the flat where missing (b) provide and fit a new half hour fire door to the kitchen entrance and the bedroom and provide and fit a suitable internal quality door between the lounge and sleeping/kitchen areas (c) investigate whether the existing bedroom window is suitable to be used as an alternative means of escape and if not replace it with a window as specified (d) upgrade the level of AFD as specified and supply a fire blanket in the kitchen.

The submissions of the parties

25. In his Application and statements of case, Mr Nicholls makes a number of points. The first is that the tenant of the subject property was given a new tenancy to another flat on 3 April 2019 and therefore the subject property became empty on that date shortly after the EHO visited the property.

26. In their statement of case, the Respondent says that they are unclear as to the significance of this comment. If it means that once the property was empty the required works would be carried out and therefore there would be no need to serve the notice, this would not be correct. They submit that the Applicant had been aware of the identified hazards at the property since 19 December 2018 but despite several letters and emails from the EHO had taken no substantive steps to deal with the hazards in the period between 19 December 2018 and the service of the Improvement Notice on 30 April 2019. When the EHO visited on 3 April 2019 the tenant was still in residence but appeared to be in the process of moving. Had the EHO believed that the tenant would stay in residence the Respondent would have served a Prohibition Notice. However, the EHO reasonably believed that the tenant was moving out of occupation and considered that in those circumstances an improvement notice would be the most appropriate means of enforcement. If on the other hand the Applicant meant that the property would not be lived in and

therefore action would not be necessary at all, this would be incorrect because once the EHO had identified a category 1 hazard the Respondent was under a duty to act.

27. The second point made by the Applicant is that the initial Schedule of works was not sent to Mrs Nicholls, who is a joint owner. The Respondent says that the Schedule was an informal means of dealing with the hazards. They say that at the time of its service they had previously dealt with Mr Nicholls, being the joint owner who they believed to have control and management of the property and with whom they have had correspondence at all times up to service of the Improvement Notice. Mrs Nicholls also says that the EHO has accused Mr Nicholls of delaying the completion of the required works and had failed to respond to requests for advice and guidance. The Respondent says that it was clear from the inspections in January and April 2019 that no significant work had been carried out at the property and it was therefore reasonable for the EHO to conclude that no work had been completed. The Respondent says that whilst they will advise and assist where necessary, it is the owner's responsibility to carry out the work required.

28. In their statement of case the Applicants, who refer to specific instances, suggest that they were unable to complete the necessary works because they were not receiving adequate advice from the EHO or satisfactory answers to their queries as to what they needed to do. The Respondent put in evidence copies of their responses to these queries, which they submit demonstrates that they were giving appropriate advice and assistance. However, they further submit that ultimately it is the owner's responsibility to comply with what is required by law.

29. The Applicant also states that the tenant had not informed the Applicant about the problem with the toilet pan. The Respondent says that this is because the hazard was only evident at the inspection on 3 April 2019 when the EHO decided to add it to the Improvement Notice.

30. The Applicant makes the point that the tenant had told the EHO that she considered the storage heaters in the lounge and bedroom to be too expensive to run. However, the Applicants submit that the heating provided by them was adequate. The Respondent disputes that assertion and says that the heaters needed to be serviced and tested to ensure their efficiency and affordability, which does not appear to have been done. As to the ventilation unit in the kitchen, referred to by the Applicant, the Respondent says that this appeared to the EHO to be very old and ceased to function when the EHO inspected the property on 19 December 2018.

31. Finally, the Applicant suggested that many of the problems were caused by the tenant's lifestyle and therefore responsibility for dealing with them should not lie with the Applicant. Mr Nicholls instances failure of the tenant to use the heating appliances, failure to open the windows and inadequate cleaning of the property. The Applicant questions whether the damp extends beyond the surface of the plasterboard and says that

he has removed mould by cleaning the surfaces. The Respondent, who refutes the suggestion that the fault lies with the tenant, says that in any case if the Applicants consider the tenant to be in breach of her tenancy that is a matter for which they have contractual remedies against her. It does not absolve them from dealing with hazards present at the property.

Consideration

32. Paragraph 10(1) of Schedule 1 to the Housing Act 2004 provides that the person on whom an improvement notice is served by a local housing authority, under section 11 or section 12 of the Act, may appeal to this Tribunal. The grounds on which an appeal may be made are not limited by paragraph 10. Paragraphs 11 and 12 specify two specific grounds (not relied on in this case) on which an appeal may be made but this does not prevent an appeal on any other grounds. Paragraph 15(2) of Schedule 1 to the Act provides that the appeal is to be by way of rehearing and paragraph 15(3) of the same Schedule provides that the Tribunal may by order, confirm, quash or vary the improvement notice.

33. Although the Directions stated that the issue to be determined was whether or not the requirements contained in the Improvement Notice(s) are reasonable the Tribunal is mindful of the fact that the appeal means that the Tribunal must decide on the basis of the law and evidence provided whether the Improvement Notice should be confirmed, quashed or varied.

34. The first issue is whether any category 1 hazards exist on the property, which is a self contained flat on the first floor of a building containing 5 flat units. If such a hazard or hazards exist, section 5 of the 2004 Act provides that the local authority must take action. In the present case the EHO determined that three category 1 hazards, as defined and prescribed by the 2004 Act and the 2005 Regulations, were present. She did so on the basis of inspections that she carried out on 19 December 2018 and 3 April 2019.

35. The first hazard is Excess Cold. The EHO's score, having carried out the exercise prescribed in the Operating Guidance was 24,256 making this a very high Band A hazard. The inspection report referred to a rusty electric panel heater in the kitchen, which is not in working order or safe to use. It also stated that the ageing storage heaters in the lounge and the bedroom, which the tenant had stated were not used because of the high running costs, required servicing and testing to establish that the output meets the minimum requirements for a heating system of this type that is efficient and affordable. The report further stated that there was no heating in the bathroom and one of the double glazed window units in the lounge had been boarded over because there was no glazing unit fitted.

36. The Applicants suggest that the off peak storage heaters in the lounge and bedroom are efficient but not used by the tenant. They state that it was the tenant's cat urinating on the heater that had caused the on peak

rusty panel heater in the kitchen to malfunction. They further state that the condensation control unit in the kitchen had been turned off by the tenant. The Applicants state that the tenant was responsible for the broken window in the lounge, caused by a third party. However, the Applicants accept that there is a lack of heating in the bathroom. The Applicants therefore submit that the hazard of excess cold is non-existent save as to the bathroom.

37. The Tribunal finds that there is no reason to doubt the EHO's finding as to a category 1 hazard. The problem was highlighted in the Schedule served after the first inspection and there had been constant communications thereafter between Mr Nicholls and the Respondent as to how best to address the heating problem, which suggests an acknowledgment by Mr Nicholls that it required attention and remedial action of one kind or another. This is despite Mr Nicholls' submission that the existing heating was adequate but not being used and that the ventilation provided was also adequate but not used.

38. The Respondent says that the need for the existing storage heaters to be tested and serviced was highlighted in the Improvement Notice but the Applicant has not adduced evidence that this has since been carried out. The Operating Guidance specifies that the dwelling should be provided with "a suitable and effective means of space heating so that the space can be economically maintained at reasonable temperatures." Thus an inefficient and uneconomical (i.e. unduly expensive) system would not suffice. The Tribunal does not accept that this hazard is non-existent. The EHO's assessment found excess cold caused by an inadequate and uneconomic heating system that has not been evidenced to be otherwise. It is unclear as to what caused the kitchen heater to malfunction or why the window glazing had been broken. However, the fact remained that the problems needed to be addressed by the landlord in order to deal with what the Tribunal agrees to be a category 1 hazard. Any dispute between the landlord and tenant as to responsibility for the state of the property is a separate issue. Mr Nicholls also accepts that there needs to be adequate heating in the bathroom.

39. The second hazard is Damp and Mould. The Improvement Notice records severe damp and engrained black mould at the property affecting the fabric, including plasterwork, of the building, but particularly in the kitchen and bathroom with a lack of efficient, safe and working ventilation systems. The EHO's score, having carried out the exercise prescribed in the Operating Guidance was 21,779 making this a very high Band A hazard. Mr Nicholls does not appear to contest the presence of mould and damp, which he has made attempts to eradicate and has provided photographic evidence of the same. However, he says that it is the tenant's failure to use the heating provided, coupled with drying her clothes in the sitting room, her failing to open windows and operate the ventilation system provided and her use of inappropriate halogen space heaters, that has led to damp and mould growth. He thus suggested that the problem was lifestyle related.

40. Having regard to the photographic evidence provided by the Respondent and the EHO's report, the Tribunal finds that the mould and damp seems to be longstanding and severe and is likely to be related to inadequate heating and ventilation rather than attributable to the tenant's lifestyle, although if that lifestyle were as alleged by the Applicants that would certainly not have helped the situation. However, as noted above, whatever the cause, if the flat is to be relet, the hazards will need to be addressed. The Tribunal accepts the EHO's evidence that the kitchen fan appeared to be faulty and, as noted above, the heating units inefficient and in need of service and proof of efficacy. These are the primary factors that are the likely root cause of this hazard.

41. The third hazard is Structural Collapse and Falling Elements. The EHO's score, having carried out the exercise prescribed in the Operating Guidance, was 1,073 making this a Band C hazard. The EHO considered that the likelihood of harm from this hazard was very high, there being a real danger of a collapse of the listing pan and cistern through the rotted floorboards, causing personal injury. The existence of this hazard does not seem to be disputed by Mr Nicholls, who says that he would have liked the opportunity to deal with it. The Tribunal finds that this is a category 1 hazard and therefore it was necessary for the Respondent to take appropriate enforcement action.

42. The second issue is whether any category two hazards exist at the property. The EHO found a category 2 hazard of Fire Safety to be present. It was scored at 454 making this a Band E hazard. The Applicants do not dispute the presence of this hazard.

43. In summary it is clear to the Tribunal that the identified category 1 and category 2 hazards were present at the property when first inspected by the EHO on 19 December 2018. Despite the Respondent's informal attempts to get the hazards remedied by the Applicants, the evidence of the inspection reports and the photographs taken at the time of the EHO inspections, reveal that no action of real substance had taken place by the time of the second inspection on 3 April 2019, when conditions were found to have further deteriorated. Indeed a further hazard, the bathroom floor collapse, had now become evident. In the intervening period there had been extensive communication between the parties by way of phone calls, meetings and correspondence about ways in which the Schedule might be complied with. Whilst Mr Nicholls was clearly making some limited efforts to comply with the Schedule this had fallen far short of the action required therein. Furthermore, the Respondent had also extended the time limits for compliance with the requirements of the Schedule.

44. In their Appeal the Applicants stated that they could not carry out the works required by the Schedule because the Respondent did not provide necessary support and guidance as to what needed to be done, notably by failing to reply to an email of 17 February 2019 from Mr Nicholls to the EHO. The only questions in that email, which contained a number of observations by Mr Nicholls on various matters, was (a) whether the

landlords had to carry out thermal insulation and (b) whether a fire safety certificate that the Applicants had obtained was sufficient and if not what was required by the Respondent. Following a reminder on 31 March 2019, Ms Rose replied on 1 April 2019 stating that "….we did not respond to your email due to the fact that we are spending an unusual and excessive amount of time on your case which is over and above the time spent on cases of this kind." She continued "the schedule of works clearly explains what you are required to do, you are advised to take professional advice from qualified contractors to enable you to complete the works in a timely manner."

45. The Respondent admits that the first sentence of Ms Rose's reply of 1 April 2019 was unfortunate and inappropriate. However, the Tribunal accepts that Ms Rose, who was under considerable pressure of work, reasonably believed that she had done all she could by way of advice and assistance, including suggesting a manager who could manage the works if Mr. Nicholls was finding it too much. This was demonstrated by the bundle of emails and other correspondence between the Respondent and the Applicants contained in the Respondent's submission. As Ms Rose pointed out, Mr Nicholls could have taken advice on appropriate heating systems and fire safety requirements and made proposals to the Council, which they would have been willing to consider. The need for thermal insulation simply related to the option of storage heaters, which was mentioned as a possibility in the Schedule. The details of what was required by way of fire safety had been set out in the Schedule. Thus the Tribunal accepts that failure of Ms Rose to reply to the Applicant's email of 17 February 2019 in a timely fashion had not prejudiced Mr Nicholls, nor had failure to serve the Schedule on the other joint owner Mrs Nicholls, who would clearly appear to have been aware of its content.

46. In his second statement of case, dated 14 August 2019, Mr Nicholls says that, "As soon as the tenant was out the bathroom was removed new floor put down, before the improvement notice arrived." (sic). This suggests that some works have been carried out by the Applicant to deal with the third category 1 hazard, in which case the Respondent will no doubt assess the works done in the light of the requirements of the Improvement Notice.

47. The Tribunal then considered whether the service of an improvement notice was the most appropriate method of dealing with the identified category 1 and category 2 hazards. Section 5 of the 2004 Act provides that in the case of a category 1 hazard the local authority **must** take one of seven prescribed course of action. In the present case the circumstances were such that the choice was between (a) serving an improvement notice (b) making a prohibition order and (c) serving a hazard awareness notice. The Respondent says that they considered making a prohibition order but dismissed this option because they believed that the tenant was being moved out of the property. Given that they perceived the hazards to have created a risk of significant harm and injury to health they accordingly decided that an improvement notice was the most appropriate procedure.

48. The Respondent had told Mr Nicholls of the need for the remedial works specified and had been given time to do them under an informal procedure. It was only when no action of any significance had been taken, despite advice and assistance afforded to Mr Nicholls by the Respondent, that they resorted to the service of an improvement notice. The Tribunal agrees that this is the most appropriate response and the only realistic means of remedying the identified deficiencies. A prohibition order was not appropriate for the reasons given by the Respondent. The Tribunal considers that a hazard awareness notice was also not appropriate. Such a notice advises the owner of the existence of a hazard and of the deficiency causing it. The notice requires no action on the part of the owner to remedy the deficiency and there is no formal procedure to ensure that the owner has followed the advice given. In view of the circumstances described in this paragraph above, the Tribunal believes that such a notice would not achieve the desired outcome.

49. Section 7 of the 2004 Act provides that in the case of a category 2 hazard the authority is empowered to take action by way of one of five prescribed courses of action. Once again the only relevant courses of action are the three identified in paragraph 47 above. In the case of the category 2 hazard in the present case the Tribunal finds that it was appropriate to deal with that hazard by way of an improvement notice, for the reasons outlined in paragraph 47.

50. The Tribunal has accordingly decided to order that the Improvement Notice dated 30 April 2019 is confirmed. However, new dates of compliance will be required in the light of this Appeal. The date on which the remedial action is to be started is **23 November 2019** and the date on which it is to be completed is **28 December 2019**.

Martin Davey

Chairman of the Tribunal

Right to appeal

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional Office, which has been dealing with the case.

2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.

3. If the person wishing to appeal does not comply with the 28 day time limit, that person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.