



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

**Case Reference** : **CHI/45UH/HIN/2020/0011  
P:REMOTE**

**Property** : **Flat 6, 49 Church Walk Worthing West  
Sussex BN11 2LT**

**Appellant** : **Mr D Quelch and Mrs J Quelch**

**In person**

**Respondent** : **Worthing Borough Council**

**Legal Department**

**Type of Application** : **Application For Permission to Appeal**

**Tribunal Members** : **Judge F J Silverman MA LLM  
Judge J Dobson LLB**

**Date of Decision** : **13 January 2021**

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**DECISION**

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1. By letter dated 30 December 2020 the Appellant requested the Tribunal to review or appeal its decision dated 27 November 2020.
2. The Tribunal has considered the Appellants' request for permission to review and or appeal its decision and determines that:
  - (a) it will not review its decision; and
  - (b) permission to appeal be refused;
  - (c) any request for a stay of the decision is refused.
3. The grounds upon which the Tribunal should consider granting permission are:
  - a) The Tribunal wrongly interpreted or wrongly applied the relevant law.
  - b) The decision shows that the Tribunal misinterpreted, disregarded or wrongly applied a relevant principle of valuation or other professional practice.
  - c) The Tribunal took account of irrelevant considerations or failed to take account of relevant considerations or evidence or there was a substantial procedural defect.
  - d) The point at issue is one of potentially wide implications.
4. In *Fairhold Mercury v HQ (Block 1) Action Management Co* [2013] UKUT 487 (LC), the Deputy President reiterated that permission to appeal to the Upper Tribunal should be given in any case where there is a "reasonable prospect of the applicant demonstrating that the tribunal has wrongly interpreted or applied the relevant law". He went on to say that the test is generally whether "the appeal has a real or realistic prospect of success, as opposed to only a fanciful prospect" – although the Tribunal should be "slower" to grant permission in the case of appeals on "purely technical" points "than in cases of more substance".
5. In *Scriven v Calthorp Estate* [2013] UKUT 0469 (LC), the Deputy President highlighted the existence of the discretionary power of the First Tier Tribunal to review its decisions under Rule 55(1) of the Rules. Rather than giving permission to appeal, a Tribunal may undertake a review of a decision if it is satisfied that a ground of appeal is likely to be successful.
6. The Tribunal can only review a decision if satisfied that a ground of appeal is likely to be successful. The Tribunal is not so satisfied.
7. The Tribunal has considered the Respondents' request for permission to appeal determines that it has no real or realistic prospect of success.

## REASONS FOR THE DECISION

- 1 The Decision in this matter was dated 27 November 2020.
- 2 The Appellants' request for review or appeal is dated 30 December 2020 and is treated by the Tribunal as having been received within the appropriate time limit.
- 3 The Appellants submit that the Tribunal's decision was unfairly made because it failed to request final submissions. The Tribunal rejects this contention. The decision was made following standard procedures having received, read and discussed all the documentation from both parties submitted in accordance with the four sets of procedural Directions previously issued by the Tribunal in this case.
- 4 The Appellants conceded that the fire doors at the property were non-compliant and in their submitted evidence raised no issue relating to the local authority's lack of power to treat the doors as being sub-standard. They present no evidence in their appeal to support this assertion which the Tribunal declines to accept as a valid ground for appeal.
- 5 The Tribunal rejects the Appellant's suggestion that the reference to Grenfell Towers in the promulgated decision was in any way prejudicial. The reference was made simply to highlight the fact that since this tragic incident, there has been an increased awareness of the need for fire risk assessment and prevention in the domestic arena. Appropriate enforcement measures might therefore be expected to be taken against landlords who have not complied with current regulations. As noted above the Appellants had already admitted that the fire doors fitted at the property were non-compliant with current standards.
- 6 The Respondent's treatment of the Appellants' planning application has no bearing on this decision or appeal. The Appellant does not disagree with the Respondent's finding that the property as built suffers from Category 1 defects. The oblique reference to section 1 'of the Act' (unspecified), is otiose in the context of this appeal application and was not argued in the substantive case.
- 7 No new evidence or other extenuating circumstances were pleaded in the application.

## FURTHER APPLICATION FOR PERMISSION

- 1) 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 Applicant/Respondent may make a further application for permission to appeal to the Upper Tribunal (Lands Chamber). 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.
- 2) Where possible, you should send your further application for permission to appeal by email to [Lands@justice.gov.uk](mailto:Lands@justice.gov.uk), as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently.
- 3) Alternatively, 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).