



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

<b>Case reference</b>	:	<b>CAM/42UH/HIN/2022/0002</b>
<b>Property</b>	:	<b>Flat 1 (136A), 136/137 High Street, Lowestoft, Suffolk NR32 1HR</b>
<b>Applicant</b>	:	<b>Kay Balls</b>
<b>Representative</b>	:	<b>Fosters Solicitors LLP</b>
<b>Respondent</b>	:	<b>East Suffolk Council</b>
<b>Type of application</b>	:	<b>Application for permission to appeal</b>
<b>Tribunal members</b>	:	<b>Judge K Seward Mr G F Smith MRICS FAAV</b>
<b>Date of decision</b>	:	<b>3 August 2022</b>

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**DECISION REFUSING PERMISSION TO APPEAL**

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**Description of determination**

This has been a determination by the tribunal on the papers, which is the basis on which all permission to appeal applications are considered, unless there is a request or order for a hearing.

**DECISION OF THE TRIBUNAL**

1. The tribunal has considered the applicant's request for permission to appeal dated 13 July 2022 and determines that:
  - (a) it will not review its decision; and
  - (b) permission be 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 applicant 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 refusal to the party applying for permission to appeal.
3. Where possible, you should send your further application for permission to appeal **by email** to Lands@justice.gov.uk, as this will enable the Upper Tribunal (Lands Chamber) to deal with it more efficiently.
4. Alternatively, the Upper Tribunal (Lands Chamber) may be contacted at: 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL (tel: 0207 612 9710).

#### **REASONS FOR THE DECISION**

5. The tribunal ordered that the Improvement Notice be varied by consent of the parties as set out in the Appendix to its Decision of 16 June 2022.
6. In summary, the application for permission to appeal submits that fresh information/ evidence shows that the proposed variations to the Improvement Notice are insufficient and inappropriate because of:  
(i) the estimated cost of the improvement works (ii) the works required to insulate ceilings (iii) the estimated running costs of space heating, and (iv) the period of compliance.
7. The terms of the varied Improvement Notice were negotiated and agreed between Counsel for the parties without input from the tribunal which was presented with their agreed form of wording. The period for carrying out the works was extended as agreed between the parties.
8. It was the reasonable expectation of the tribunal that the legally represented Applicant understood the nature and extent of works being agreed and in reaching that agreement had considered the possible costs implications.
9. In the circumstances, the tribunal does not consider that any ground of appeal has a realistic prospect of success.

**Name: Judge K Seward**

**Date: 3 August 2022**