



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

**HMCTS code (audio,
video, paper)**

P: PAPER

Case Reference

: CAM/12UD/HNB/2020/0002

Property

**: Flat B, Furriers Warren, Alexandra Road,
Wisbech, Cambs PE13 1HQ.**

Applicant

: Paul Coulten

Respondent

: Fenland District Council

Type of Application

: Application for permission to appeal

Tribunal Members

**: Tribunal Judge S Evans
Mr C Gowman BSc MCIEH MCMI**

Date of Decision

: 1 December 2020.

DECISION

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DECISION OF THE TRIBUNAL

1. The tribunal has considered the Applicant's request for permission to appeal dated 20 November 2020 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. 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); or by email: lands@hmcts.gsi.gov.uk .

REASON FOR THE DECISION

4. The reason for the decision is that the Tribunal had considered and taken into account all of the points now raised by the Applicant, when reaching its original decision.
5. The original Tribunal's decision was based on the evidence before it and the Applicant has raised no legal arguments in support of the application for permission to appeal.
6. For the benefit of the parties and of the Upper Tribunal (Lands Chamber) (assuming that further application for permission to appeal is made), the Tribunal has set out its comments on the specific points raised by the Applicant in the application for permission to appeal, in the appendix attached.

Name: Tribunal Judge S Evans **Date:** 1 December 2020

APPENDIX TO THE DECISION
REFUSING PERMISSION TO APPEAL

For the benefit of the parties and of the Upper Tribunal (Lands Chamber), the Tribunal records below its comments on the grounds of appeal.

Specific comments on the grounds of appeal

1. The Tribunal was fully aware the Property did benefit from double-glazing (see paragraphs 27, 42, 44, 49-52, and 56 of the decision), but this did not affect the Tribunal's findings as to whether a relevant housing offence had been committed and/or whether the defects were causing excess cold and water penetration.
2. No inspection was necessary given the clear photographic evidence of the Respondent. The Applicant's photographs were not referred to by him during the hearing, and are not dated to the date of the relevant housing offence on 28 March 2019.
3. The Respondent's photographs clearly showed rotten, warped and insecure woodwork: see paragraph 60 of the decision.
4. The "recent" EPC accompanying the permission application was not in evidence before the Tribunal, and is not dated to the date of the offence which the Tribunal found proven. For that reason, it is irrelevant to the decision which is sought to be challenged.