



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

**Case reference** : **CAM/12UD/HNA/2022/0008**

**HMCTS code (paper, video, audio)** : **P: PAPERREMOTE**

**Property** : **11 Kings Bench Walk, Wisbech, Cambridgeshire PE13 1HR**

**Applicant** : **Ipolitas Naujokas**

**Representative** : **Dr Anton van Dellen**

**Respondent** : **Fenland District Council**

**Representative** : **Andy Brown**

**Type of application** : **Application for permission to appeal**

**Tribunal member(s)** : **Judge Wayte**

**Date of decision** : **1 December 2022**

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**DECISION REFUSING PERMISSION TO APPEAL**

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**Covid-19 pandemic: description of determination**

This has been a determination on the papers. The form of remote hearing was P:PAPER REMOTE. A face-to-face hearing was not held in accordance with the usual practice for dealing with applications for permission to appeal.

**DECISION OF THE TRIBUNAL**

1. The tribunal has considered the applicant's request for permission to appeal dated 21 November 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](mailto: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: 020 7612 9710).

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

5. The test for whether to grant permission to appeal is whether there is a realistic prospect of success.
6. The original decision struck the applicant's appeal out as it had been submitted over 2 years late and I was not satisfied that good reason had been provided to explain such an extreme delay. In particular, no explanation was given by the applicant at all, despite my request as to why he had not received the original notices in 2020 or waited until July 2022 to request copies of the notices, having first instructed a representative to request copies in December 2020.
7. In the circumstances I struck out the appeal on the basis that there was no jurisdiction due to the delay (in the absence of good reason) and/or that the extreme delay in appealing meant that the manner in which it was conducted was frivolous or vexatious or otherwise an abuse of process.
8. In essence, the application for permission to appeal merely disagrees with that decision; which I consider was reasonable on either or both grounds on the basis of the submissions and evidence provided by the parties, or lack of evidence in respect of the applicant.
9. In the circumstances, I do not consider that any ground of appeal has a realistic prospect of success.

**Judge Wayte**

**1 December 2022**