

Y TRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL (WALES)

**Reference: RPT/81/12/25, RPT/0074/12/25, RPT/80/12/25, RPT/0076/12/25,
RPT/0078/12/25, RPT/0079/12/25, RPT/0075/12/25, RPT/0082/12/25,
RPT/0077/12/27**

**In the Matter of 73 Claude Road, Cardiff CF24 3QB, 91 Claude Road,
Cardiff CF24 3QD, 93 Claude Road, Cardiff CF24 3QD, 127, Arabella
Street, Cardiff CF24 4SY, 128 Arabella Street, Cardiff CF24 4SY, 166
Arabella Street, Cardiff
CF24 4SZ, 125 Mackintosh Place, Cardiff CF24 4RN, 126 Mackintosh
Place, Cardiff CF24 4RR, 12 Pen-Y-Wain Road, Cardiff, CF24 4GG**

**And in the Matter of Appeals under paragraph 31 of Part 3 of Schedule 5
to the Housing Act 2004**

Appellant: Mr. Assan Khan

Respondent: Cardiff County Council

**Tribunal: Colin Green (Chairman)
Hefin Lewis FRICS (Valuer Member)
Carole Thomas (Lay Member)**

DECISION ON PERMISSION TO APPEAL

The Appellant's application for permission to appeal is refused

REASONS FOR DECISION

1. This is an application by Mr. Khan for permission to appeal the Tribunal's decision of 20 May 2026 ("the Decision"). The grounds of appeal are contained in a document sent under cover of Mr. Khan's email to the Tribunal of 10 June 2026.
2. The Decision may be appealed to the Upper Tribunal (Lands Chamber) if there is an arguable case that the appeal will succeed on one or more of the following grounds:

- 2.1. the Decision shows that the Tribunal wrongly interpreted or wrongly applied the relevant law;
 - 2.2. the Decision shows that the Tribunal wrongly applied or misinterpreted or disregarded a relevant principle of valuation or other professional practice;
 - 2.3. the Tribunal took account of irrelevant considerations, or failed to take account of relevant considerations or evidence, or if there was a substantial procedural defect; or
 - 2.4. the point or points at issue is or are of potentially wide implication.
3. The Tribunal will deal with Mr. Khan's grounds of appeal by reference to his paragraph numbering.

Paragraph 1

4. Paragraph (3) of the Decision sets out a timetable for the exchange of written submissions where either party seeks an order for costs. There is no proper basis for appealing such directions.

Paragraph 2

5. The issue concerning 128 Arabella Street is dealt with at paragraphs 10 to 13 of the Decision.
6. The requirement of paragraph 4(b) of Schedule 5 of the 2004 Act is in respect of the modifications proposed by the Council, not all modifications requested by Mr. Khan in his representations. Therefore, the Council does not have to give reasons for the refusal of modifications.
7. The reason for the modification in the number of occupants from 7 to 8 was obvious: it is what Mr. Khan had requested.

Paragraphs 3 & 4

8. This concerns 125 Mackintosh Place and 91 Claude Road, dealt with at paragraphs 14 to 44 of the Decision.
9. The Tribunal found in Mr. Khan's favour concerning the service of the documents set out in paragraph 7(2) of Schedule 5 and that they were received on 20 November 2025, one day outside the 7-day period beginning with the day on which the decision had been made, as required by paragraph 7(3).
10. The issue is not whether the Council has a discretion concerning service. The word "must" in paragraph 7(3) imposes an obligation to serve within the 7-day period. The issue is the consequence of service outside that period and whether this renders the decision itself invalid, as contended by

Mr. Khan. The Tribunal did not agree, and Mr. Khan's grounds of appeal do not address the Tribunal's reasons, set out at paragraphs 41 to 44 of the Decision.

Paragraph 5

11. This ground of appeal is an issue now raised by Mr. Khan for the first time. As set out in paragraph 9 of the Decision, the issue concerning 26 Mackintosh Place, 166 Arabella Street, 73 Claude Road and 93 Claude Road (and other properties) concerned short service and that the Council allegedly made a decision before the expiry of the relevant consultation period. The Tribunal found that this was not the case.
12. Mr. Khan now argues that where his representations were served outside the consultation period the Council should nevertheless have exercised a discretion to consider them before making a decision.
13. Mr. Khan has not identified,
 - 13.1. any provision in the 2004 Act which confers on the Council a discretion to consider representations served after the expiry of the consultation period;
 - 13.2. any reason why the Council should have exercised any such discretion to allow consideration of his representations out of time, other than a general allegation of prejudice;
 - 13.3. what decision the Council ought to have made if it had considered the representations. To the extent that they were in respect of the matters dealt with in paragraphs 45ff. of the Decision, the Tribunal has found against him.

Paragraph 6

14. The issue of promissory estoppel is dealt with at paragraphs 45 to 53 of the Decision. Mr. Khan has not raised anything that persuades the Tribunal that it might have been wrong in law. The contention that the grant of a license has the same hallmarks of a contract even if correct, misses the point. Mr. Khan's case was that a promise or assurance to inspect prior to granting a licence was binding on the Council by reason of promissory estoppel, but he has identified no reliance on that promise to his prejudice that would convert it into a legal obligation.

Paragraphs 7 & 8

15. The Tribunal does not consider that any of the grounds of appeal, and in particular those considered at paragraphs 8 to 13 above, are of potentially wide implication and warrant granting permission to appeal.
16. In the light of the above, the Tribunal does not consider that there are arguable grounds of appeal.

17. Mr. Khan may renew his application for permission to appeal to the Upper Tribunal (Lands Chamber). Guidance as to the content and supporting documentation required is provided by paragraph 11 of the Practice Directions Upper Tribunal (Lands Chamber), dated 2 January 2024. Such an application must be made on form T602, preferably by email, and received by the Upper Tribunal (Lands Chamber) no later than 14 days after the date on which the Tribunal sent this decision on permission to appeal to Mr. Khan. 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@justice.gov.uk.

Dated this 11th day of June 2026.
Colin Green (Chairman)