

Y TRIBIWNLYS EIDDO PRESWYL
THE RESIDENTIAL PROPERTY TRIBUNAL

Reference: RPT/0068/11/2025
Property: Woodlands Park, Old Crumlin Road, Pontypool, Torfaen NP4 6UP
Applicants: Various occupants of Woodlands Park and Woodlands Park QRA
Respondent/Applicant for Permission to Appeal: Hills Leisure UK Ltd
Application: An application for permission to appeal
Tribunal: Judge Christopher McNall
Date: Dealt with on the papers, 22 October 2026

DECISION ON AN APPLICATION FOR PERMISSION TO APPEAL

Decision

Permission to appeal is refused on all Grounds.

Reasons

1. The Respondent, Hills Leisure UK Ltd, applies for permission to appeal against the Tribunal's decision dated 22 September 2026.
2. This Tribunal may grant permission where there are reasonable grounds for concluding that the Tribunal may have been wrong because it wrongly interpreted or applied the law; wrongly applied, misinterpreted or disregarded a relevant principle of valuation or other professional practice; took account of irrelevant considerations, failed to take account of relevant considerations or evidence, or committed a substantial procedural defect; or where the point is potentially of wide implication.
3. An application is not an opportunity to re-argue findings of fact or matters already determined by the Tribunal.

The proposed grounds

4. For ease of reference, I have grouped the Grounds.
5. Ground 1: This Ground does not identify a realistic prospect of a material procedural error. The application concerned a question arising under Part 4 of the Mobile Homes (Wales) Act 2013 and the relevant agreements. The matters decided concerning statutory status, the Park Rules and the contractual requirement for permission were directly connected with that question and with the Respondent's own case. The Respondent had the opportunity to address them in its evidence and submissions.
6. Grounds 2 to 6: These Grounds challenge the Tribunal's conclusions on the status and mobility of the cladded homes. The decision expressly addressed the statutory requirement and made findings, on the evidence (including that of Mr Gibbs) that the underlying twin-units remained two separately constructed sections and that cladding could be removed, or the marriage-line dealt with, without material injury to the

underlying structure. The grounds do not identify an arguable misinterpretation of section 60. There is no real prospect that the Upper Tribunal would reach a different conclusion.

7. Grounds 7 and 8: The decision's construction of Rule 13 was a reasoned determination of the contractual provision in issue. The Applicants' principal case about the Park Rules was that there were no Park Rules. The Respondent rejected that position. The Respondent was right. The Applicants' position as to the existence of Park Rules was misconceived. Hence, there were and are - as the Respondent always asserted - Park Rules. The Respondent does not take issue with the Tribunal's description of the Park Rules or their content. There is no substantial procedural defect. The Respondent's proposed alternative construction of "recovering" is no more than a disagreement with the Tribunal's reasoned interpretation.
8. Grounds 9 and 10: The decision distinguished repair from maintenance, considered the authorities relied upon, including ACT Construction, and explained why the installation of cladding was maintenance of the outside of the home. The grounds disclose no realistic prospect of demonstrating an error of law or inadequacy of reasons.
9. Grounds 11 and 12: The Tribunal was entitled to find that, save for the Bowens, the Respondent had not proved the precise contractual restrictions said to apply to the other occupiers. The Respondent asserted that there were contractual burdens, and therefore bore the burdens of showing (i) what those contractual burdens were; (ii) how they applied. In relation to the Bowens, the Tribunal also gave reasons for its conclusion that cladding was not "building works" within the relevant clause. These grounds again really amount to no more than disagreement with the Tribunal's findings and interpretation, and do not raise an arguable error of law.
10. Grounds 13 to 16: The observations concerning permission, waiver, estoppel and acquiescence were expressly obiter and conditional. They were not an operative basis of the decision. No appeal lies from those observations as such, and the grounds do not identify any material error in the determinations made.
11. The application asserts that the mobility and other issues are of wider importance. However, this does not really go beyond bare assertion. The application does not identify any question of law genuinely calling for guidance by the Upper Tribunal. The proposed grounds turn on the Tribunal's findings on the statutory language, the particular evidence and the applicable contractual terms. They do not raise a point of potentially wide implication which warrants permission.

Further application to the Upper Tribunal

12. Under regulation 37(8) of the 2016 Regulations, the Respondent may apply directly to the Upper Tribunal (Lands Chamber) for permission to appeal. Under rule 21 of the Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010, any such written application must be received by the Upper Tribunal within 14 days after this notice of

refusal is sent. The application should be sent to the Upper Tribunal (Lands Chamber), 5th Floor, Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL, or by email to lands@justice.gov.uk.

Dated: 22 October 2026

Christopher McNall

Lawyer-Chairperson