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RESIDENTIAL PROPERTY TRIBUNAL (WALES)

LEASEHOLD VALUATION TRIBUNAL

Reference: RPT/0001/06/25

In the Matter of an Application under Housing Act 2004 to appeal a Prohibition Notice

APPLICANT Mr P. Patel

RESPONDENT Housing Enforcement Shared Regulatory Services

TRIBUNAL R Price Chair
A. Weeks Surveyor Member
C. Thomas Lay Member

DECISION

1. Mr Patel has made an application for permission to appeal the Tribunal decision dated 21 July 2026.

2. **The application for permission to appeal is refused.**

Reasons

3. The Applicant seeks permission to appeal against the Tribunal's Decision Notice dated 21 July 2026, by which the Tribunal dismissed the appeal against the Prohibition Order made by the Respondent.

4. The Tribunal has considered the Applicant's application for permission to appeal and the Respondent's written observations.

5. Permission to appeal may only be granted where the proposed appeal raises an arguable error of law. It is not sufficient that a party disagrees with findings of fact made by the Tribunal or seeks to re-argue matters which were fully considered at the hearing.

Ground 1: Alleged defect in the Prohibition Order

6. The Applicant submits that the Prohibition Order was unlawful because it failed to specify whether the identified hazards fell under section 20 or section 21 of the Housing Act 2004.

7. The Tribunal is not satisfied that this ground discloses an arguable error of law in its decision.

8. The Tribunal considered the legality and appropriateness of the Prohibition Order and was satisfied that the Respondent was entitled to make the Order having regard to the hazards identified within the Property.

9. The Applicant's submissions amount to a disagreement with the Tribunal's conclusion and do not identify any error in the Tribunal's legal reasoning or application of the relevant statutory framework.

10. This ground has no real prospect of success.

Ground 2: Failure to take account of subsequent works

11. The Applicant submits that the Tribunal should have determined the appeal afresh and given greater weight to works undertaken after the Prohibition Order was made, including the installation of a window, ventilation measures and other improvements.

12. This ground does not disclose an arguable error of law.

13. The Tribunal expressly considered the subsequent works and evidence relied upon by the Applicant. It concluded, for reasons set out in the Decision Notice, that such evidence did not undermine the Respondent's assessment of risk or the lawfulness of the Prohibition Order at the time it was made.

14. The Tribunal's conclusion was one it was entitled to reach on the evidence. The Applicant's disagreement with that conclusion does not establish an error of law.

Ground 3: Findings concerning hazards

15. The Applicant challenges the Tribunal's findings concerning damp and mould, lighting, and crowding and space.

16. These submissions amount to a challenge to the Tribunal's findings of fact and its assessment of the evidence.

17. The Tribunal considered the evidence before it, including the documentary evidence and oral evidence presented at the hearing, and gave detailed reasons for its conclusions regarding the existence and significance of the relevant hazards.

18. No arguable misdirection of law has been identified. The Applicant's submissions seek, in substance, to invite a different assessment of the evidence. That is not a proper basis for granting permission to appeal.

Ground 4: Housing Act 1985 overcrowding provisions

19. The Applicant submits that the Tribunal failed to consider the provisions relating to statutory overcrowding contained within Part X of the Housing Act 1985.

20. The Tribunal is not satisfied that this ground is arguable.

21. The appeal concerned a Prohibition Order made under the Housing Act 2004 and the hazards identified through the Housing Health and Safety Rating System. The Tribunal directed itself by reference to the correct statutory framework and determined the appeal on that basis.

22. The Applicant has not demonstrated that the Tribunal applied the wrong legal test or failed to consider a matter it was required to consider.

Ground 5: Proportionality and the effect upon the occupiers

23. The Applicant submits that the Tribunal failed adequately to take account of the effect of the Prohibition Order upon the occupiers and the availability of less restrictive alternatives.

24. This ground similarly fails to disclose an arguable error of law.

25. The Tribunal considered whether the Respondent's chosen enforcement action was appropriate and proportionate in light of the identified hazards and the circumstances of the occupiers. It concluded that the Prohibition Order was justified.

26. The assessment of proportionality was a matter for the Tribunal on the evidence before it. The Applicant's disagreement with the outcome does not establish an error of law.

Conclusion

27. Having carefully considered all of the grounds advanced by the Applicant, the Tribunal is not satisfied that any ground identifies an arguable error of law in the Decision Notice dated 21 July 2026

28. The application amounts principally to a challenge to the Tribunal's findings of fact and evaluation of the evidence. Those matters do not provide a proper basis for the grant of permission to appeal.

29. Accordingly, permission to appeal is refused.

Dated this 19th day of October 2026

R. Price Tribunal Judge