



LRX/63/2008

LANDS TRIBUNAL ACT 1949

APPLICATION
under section 175(2) of the Commonhold and Leasehold Reform Act 2002 for
PERMISSION TO APPEAL
against the decision of a Leasehold Valuation Tribunal

Applicant: Andrew Robert Botterill

Property: Hampstead Garden Suburb Freehold Properties

Decision of the Leasehold Valuation Tribunal for the London Rent Assessment Panel
dated 7 April 2008

Permission to appeal is REFUSED for the following reasons:-

The decision of the LVT does not in my view disclose any error of law, and it would be inappropriate in these circumstances to grant permission to appeal. The basic approach of the tribunal to the application of section 159(3) of the 2002 Act, as explained in paragraphs 60 and 61 of its decision, was in my judgment correct. In particular it is the case that there may be more than one reasonable formula for the calculation of an estate charge. Nor do I think that the LVT left out of account relevant matters or took irrelevant matters into account in considering whether a charge which does not vary between properties is unreasonable. In particular I do not see why the practicality of a formula should not be material to reasonableness; the LVT properly considered the matters relevant to the contention that an unvarying charge is unfair; and it explained clearly why, despite the wide variations in the value and locality of properties in the Suburb, it did not consider that the formula was unfair.

Dated 11 August 2008

George Bartlett QC, President