



Tel: 020 7612 9710
Goldfax: 0870 761 7751
DX: 160042 Strand 4
Typetalk: 18001 020 7612 9710
Email: Lands@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/lands

Please reply to THE REGISTRAR

Andrew Orme
Orme Associates Property Advisers
27 Seymore Terrace
Liverpool L3 5PR

Your Ref:

Our Ref: LRA/78/2015

18 November 2015

Dear Mr Orme,

LRA/78/2015
20-22 Larkhill Place, Liverpool, L13 9BS

Please find enclosed the determination dated 16 November 2015 giving permission to appeal to the Lands Chamber.

The appeal will be a rehearing, so there will be a full rehearing of the case (or part of the case, if permission to appeal is limited), and you and the Respondent(s) must file and exchange all the evidence each of you relies upon to establish your case. If you wish to present new evidence that was not given before the lower tribunal, you should apply for permission, giving your grounds and sending a copy to the Respondent.

Your attention is drawn to Paragraphs 4, 5, and 6 of the enclosed determination.

Please notify the Tribunal within 14 days from the date of this letter whether you wish to proceed with this appeal, and enclose your cheque for £250 payable to Her Majesty's Courts and Tribunals Services.

The address we have on record for service upon the Respondent is:

Hill Dickinson LLP
No1 St Paul's Square
Liverpool L3 9SJ

If you have access to the internet please visit our website where you will find further information about proceedings in the Tribunal. This includes:

1. The Rules and the Practice Directions that govern our procedures;
2. The Order that sets the fees for stages in the proceedings and for applications;

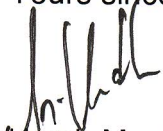
**The Lands Chamber of the Upper Tribunal
is the successor to the Lands Tribunal**

The office open hours are 9am to 4.30pm

3. The procedure flowchart for your type of appeal that shows the steps in the alternative procedures that may be followed depending on the nature and complexity of the appeal; and
4. The Explanatory Leaflet that provides a guide for Tribunal users.

If you do not have internet access you may call or write to us to request a copy of any of these documents.

Yours sincerely,



Marsh Mastana

Direct Tel.: 020-7612-9674

For the Registrar

UPPER TRIBUNAL (LANDS CHAMBER)



LRA/78/2015

TRIBUNALS, COURTS AND ENFORCEMENT ACT 2007

IN THE MATTER OF AN APPLICATION FOR PERMISSION TO APPEAL AGAINST A
DECISION OF THE FIRST TIER TRIBUNAL (PROPERTY CHAMBER) UNDER S.11 OF
THE TRIBUNALS COURTS AND ENFORCEMENT ACT 2007

Applicant: Sabah Elgadhy and Zara Elgadhy

Property: 20-22 Larkhill Place, Liverpool L13 9BS

Decision of the First Tier Tribunal (Property Chamber) dated 24 April 2015.

Permission to appeal is GRANTED and the following observations are added:

1. The applicants arguably has a well founded complaint that the First-tier Tribunal did not deal with the evidence adduced on their behalf concerning the value of cleared sites. That evidence merited consideration but appears either to have been ignored or dismissed without explanation.
2. The First-tier Tribunal also reached its conclusion about the appropriate yield to be employed in determining the entirety value on a basis which does not appear to have been supported by the evidence of comparable transactions relied on by the respondent (which were the only explanation given by the First-tier Tribunal for that element of its decision).
3. Accordingly, although the sum in dispute is relatively modest, the applicants have made out an arguable case that the premium determined by the First-tier Tribunal was too high and it is appropriate to grant permission to appeal.
4. The appeal will be determined by the Tribunal as a rehearing.
5. The appeal would appear to be suitable for determination under the Tribunal's written representations procedure (as requested by the applicant) using the expert evidence relied on before the First-tier Tribunal, but the Tribunal will defer giving further directions to that effect until the respondent has had an opportunity to express its view.
6. The application for permission to appeal may stand as the applicant's appellant's notice and statement of case.

