



**FIRST-TIER TRIBUNAL  
SOCIAL ENTITLEMENT CHAMBER**

Held at: Newcastle

on: 04/11/2014

Before: Judge T.W. Blewitt

Appellant: [REDACTED]	Tribunal Ref. [REDACTED]
Respondent: Newcastle City Council	

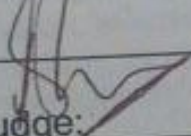
Nino.

**DECISION NOTICE**

1. The Housing Benefit appeal is allowed.
2. The decision made on 17/03/2013 is set aside.
3. The tribunal find that the first floor of the property concerned was used by the appellant as sleeping accommodation in this way. One room was used by the appellant for her own purposes, the next largest room was used by two sons (now aged 19 and 28) and the smaller room was used by the appellants daughter. When the appellants oldest son left home the youngest son was moved into the smaller room and her daughter into the larger room to accommodate there respective age requirements. The appellants daughter left home approx 5 years ago (when the younger son would be about 14) and the younger son moved into the larger room since then the smaller room has been used for storage and to meet general domestic purposes e.g. ironing storage drying clothes.
4. In addition the appellant said that she had been paying council tax despite the submission that she was in receipt of a discretionary housing payment. Unfortunately the receipts were not capable of clear photocopy by the tribunal. Cursory inspection indicates payments had been made to the respondent during 2014. The appellant said that she had paid about £1000.00 but had not received a refund despite the award of the discretionary housing payment.
5. This appeal is allowed on the principle grounds that the respondent has failed to exercise any determination as to whether or not there are 'bedrooms' which exceed the number to which the claimant is entitled. The tribunal reject the respondents submission that it is entitled to rely solely upon the landlords designation of the property as having 3 bedrooms. The landlord could have made a mistake the landlords definition of what constitutes a bedroom is not before the tribunal and the appellants family structure has not been considered by the respondent to determine whether the designation of a smaller room as a bedroom could not change as

children grow older, mature and develop a desire for their own privacy in which they can enjoy their hobby activities such as watching television listening to music playing computer games with a reasonable amount of space and not in cramped or confined limits.

6. The tribunal find that there is a statutory obligation under regulation B13 (2) to make a determination as to the number of bedrooms and what constitutes a bedroom and what factors should be taken into account. The landlords designation is only one factor but it is not the sole determining factor. On the evidence available the tribunal find the respondent has not carried out any such determination and the tribunal finds that it is all the circumstances reasonable to treat the smaller room as a storage area because it is inadequate to accommodate anything other than a very small child who does not require the same level of space for personnel development compared to a teenager growing into a young adult.

Signed Tribunal Judge: 	Date: 04/11/2014
<i>Decision Notice issued to</i>	<i>Appellant on: 04/11/2014</i> <i>Respondent on: 04/11/2014</i>