



**FIRST-TIER TRIBUNAL**

**SOCIAL ENTITLEMENT CHAMBER**

Held at LIVERPOOL

on 09/01/2014

Before JUDGE D MCMAHON

<b>Appellant:</b>	<b>Tribunal Ref.</b> SC068/13/10921
	<b>NI No</b>
<b>Respondent: Local Authority</b>	

**DECISION NOTICE**

1. The Housing Benefit appeal is allowed.
2. The decision made on 10/03/2013 is set aside.

From 01/04/2013 the appellant's eligible rent is to be calculated on the basis that the number of bedrooms in the dwelling does not exceed the number of bedrooms to which the appellant is entitled in accordance with Paragraph B13 (5) of the Housing Benefit Regulations 2006.

~~This is because the two disputed rooms are too small to be classified as bedrooms, having regard to the legislation governing housing overcrowding that sets out statutory space standards. The tribunal considered that under occupancy can be seen as the flip side of overcrowding. Regulation B 13(5) pre-supposes that to be classified as a bedroom, a room should be large enough to be appropriate for use as bedroom by an adult or by two children. The tribunal accepted the measurements of the two rooms in dispute put forward by the appellant, particularly in the absence of any alternative measurements being put forward by the respondent. On this basis neither room was large enough to be appropriate for use as a bedroom. The appeal is remitted to the respondent to recalculate the appellant's eligible rent from 01/04/2013 in light of the tribunal's decision.~~

Signed Tribunal Judge: \_\_\_\_\_ Date: 09/01/2014

*Decision Notice issued to*

*Appellant on: 09/01/2014*

*Respondent on: 09/01/2014*