



**FIRST-TIER TRIBUNAL
SOCIAL ENTITLEMENT CHAMBER**

Held at Huddersfield County Court on 02/10/2014

Before Tribunal Judge PA Barber

Appellant: [REDACTED]	Tribunal Ref. [REDACTED] HB/CTB Ref. [REDACTED] NI N [REDACTED]
Respondent: Kirklees MBC	

DECISION NOTICE

1. The Housing Benefit appeal is allowed.
2. The decision made on 02/05/2013 is set aside.

On the basis of the room size it is too small to be a bedroom.

Signed: <i>Phillip Barber</i>	Date: 02/10/2014
Tribunal Judge PA Barber	
Decision Notice issued to	Appellant on: 02/10/2014
	Respondent on: 02/10/2014

14

SUBMISSION

(on behalf of the appellant)

1. The date of the decision under appeal is the 02 May 2013.
2. The decision was that the appellant from 01st April 2013 is subject to the 14% under occupancy charge under Regulation B13(3)(a) of the Housing Benefit Regulations 2006. The appellant has been subject to the under occupancy charge since April 2013.
3. The appellant is single and lives in a two bedroomed house allocated by the council at [REDACTED]. She has lived in the property for 7 years and was allocated the property as a single person.
4. The appellant appeals on the basis that the second bedroom should not be classed as a bedroom as it is too small in terms of square feet to be a bedroom. It is agreed by Kirklees Neighbourhood Housing that the bedroom measures 2 metres by 2 metres, which is 43.0556 square feet. See the letter dated 6th August 2014 from Kirklees Council.
5. Regulation B13 (5) of the Housing Benefit Regulations 2006 presupposes that to be classed as a bedroom a room should be large enough to be appropriate for use as a bedroom by either an adult or two children under sixteen of the same sex or two children under 10 of the opposite sex. To be used as a bedroom would require not only that a bed can be fitted into the bedroom but also enough suitable furniture to enable clothes and belongings of the occupant(s) to be stored and accessed safely on a daily basis from that room.