



**FIRST-TIER TRIBUNAL
SOCIAL ENTITLEMENT CHAMBER**

Held at: Middlesbrough

on: 20/09/2013

Before: Tribunal Judge Mahil.

Appellant: [REDACTED]	Tribunal Ref. SC227/13/03378
	Nil No [REDACTED]
Respondent: Redcar & Cleveland Borough Council.	

DECISION NOTICE

1. The Housing Benefit appeal is allowed in part.
2. The decision made on 14/03/2013 is set aside.
3. The Appellant's maximum eligible rent for her Housing Benefit is to be reduced by 14% because she under occupies the property by one bedroom.

Summary of Reasons:-

1. The property at [REDACTED] is a semi detached house with 3 bedrooms. This property was acquired by a social housing landlord in August 2012 as part of a mortgage rescue scheme.
2. The social housing landlord has the property classified as a 3 bedroom property.
3. The appellant and her husband are the only occupants of the house. They bought the house with a mortgage in 1988 and have lived there ever since. Their 2 children were brought up in the house.
4. Bedrooms 1 and 2 are approximately 100 square feet. Bedroom 3 is 70 square feet.
5. Bedroom 3 is used by the Appellant to store aids i.e. a bathboard and seat, a commode and a wheelchair. It has been used as a bedroom in the past. All the aids could reasonably be stored elsewhere e.g. the bath seat and bathboard in the bath itself, the

commode in a bedroom and the wheelchair in a room downstairs making it more easily accessible for usage outdoors.

6. The Appellant and her husband have slept in separate bedrooms for approximately 10 to 12 years due to the appellant's disabling health conditions. She suffers from Chronic Fatigue Syndrome and widespread osteoarthritis (particularly marked in her knees). She also suffers from Depression. She has a BMI of ~~45.4 (obese class 2)~~. In February 2013 she suffered a stroke resulting in a requirement for her to have a wheelchair and a stair-lift amongst other aids. Her sleep is disrupted and very unsettled mainly due to constant joint pain and because of her chronic fatigue syndrome. Her GP and the specialist nurse in CFS support her need to have a bedroom of her own.
7. In considering whether there is under occupation of the appellant's property, the Local Authority have not taken into consideration her disabilities and her reasonable requirements, as a result these, to sleep in a bedroom on her own.
8. The appellant has applied for Discretionary Housing Payments on 2 occasions and been told that the Local Authority's budget for the relevant quarters has been exhausted.
9. The Tribunal concludes that the property has 3 bedrooms and although the appellant and her husband are a couple, her particular circumstances (ie the extent and effect of her disabling medical conditions and her resulting needs due to those disabilities) mean that they reasonably require one bedroom each and should therefore be assessed for Housing Benefit on this basis.

Signed Tribunal Judge: <i>Mahid</i>	Date: 20/09/2013
Decision Notice issued to	Appellant on: 20/09/2013 Respondent on: 20/09/2013