

Y TRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL

Reference: RPT/0007/07/25

In the Matter of 249 High Street, Gilfach Goch, Porth, Rhondda Cynon Taff, CF39 8SH

And in the matter an Applications under Section 20 of the Housing Act 2004.

RESPONDENTS (1) Public Health, Protect and Community Services
Rhondda Cynon Taf Council
(2) Rhian Mills, Tenant 249 High Street

Representation: Mr Philip Tovey for the Applicant
Mr Goodwin of Counsel for the First Respondent
Miss R Mills Second Respondent in Person

Tribunal: Trefor Lloyd (Legal Chair)
Andrew Lewis BSc Dip Arb FRICS FCIArb (Surveyor Member)
Juliet Playfair (Lay Member)

The Surveyor Member inspected the property alone on the 11th of November 2025 in the presence of the parties and their representatives. A photographic record and dimensions shown upon the same being agreed by all parties. Both the photos and the plan with the agreed dimensions were shared with the Applicant and Respondent after the site inspection. The matter was then heard by way of a virtual hearing on the Teams Platform on the 18th November 2025.

DECISION

THE PROHIBITION ORDER IS CONFIRMED

Background

1. On the 27th June 2025 the Respondent sent by post and also by e-mail to the Applicant and his agent (Mr Tovey) an Improvement Notice under Sections 11 & 12 of the 2004 Act. Of even date Respondent Authority also sent the Applicant by e-mail and post copied by e-mail to the Applicant's agent Mr Tovey a Prohibition Order under Section

20 of the Housing Act 2004 ("The Act"). Both the Improvement Notice and the Prohibition Order were accompanied by a Statement of Reasons for Decisions to Enforcement Action as is required by Section 8 of The Act.

2. The subject matter of the Application is situated at 249 High Street, Gilfach Goch, Porth, Rhondda Cynon Taf, CF39 8HS ("the property"). The property is a stone built terraced property accessed from the public footpath via a set of steps leading up through a two-tiered garden to the front door. The accommodation is set out as follows:-
 - i. The front door opens into a small, enclosed hallway which faces onto a set of stairs leading to the first floor.
 - ii. On the ground floor after entering the property there is a living room to the right and to the left there is a kitchen. At the rear of the kitchen a backdoor opens directly into a rear lane. The garden to the premises is on the other side of the aforesaid lane.
 - iii. The first floor consists of three rooms, the smallest of which is directly above the centrally positioned stairs. The other two rooms are to the left and right of the stairs both overlooking the front elevation. To the rear on the first floor there is a bathroom on the lefthand side.
3. Despite initially appealing both the Improvement Notice and Prohibition Notice, by the time of the hearing the parties had reconciled their differences in terms of the Improvement Notice and the Respondent had withdrawn the same. As a consequence despite there being material in the trial bundle relating to the Improvement Notice Appeal this was not a matter we were tasked with considering. Accordingly, our deliberations were limited to the application appealing the Prohibition Order.
4. Our powers under applications of this nature are limited to either quashing any order, varying the terms of the same or confirming the same.

The Prohibition Order

5. Schedule 1 to the Prohibition Order highlights crowding and space – hazards associated with lack of space within the dwelling for living sleeping and normal family/household life and a category 1 hazard evaluation was placed on the same.
6. Paragraph 4 of the Prohibition Order further amplifies upon this and is set out in the following terms:

"The first-floor box room directly above the stairs at the domestic dwelling known as 249 High Street, Gilfach Goch, CF38 8SH shall not be used as a bedroom or sleeping accommodation due to its insufficient size".

7. Schedule 2 to the Prohibition Order under the heading Schedule of Remedial Action provides two alternative options to deal with the matter being:
 - 1(a) – take the necessary measures to ensure that the room is not used as a bedroom or;
 - 1(b)- ensure that the usable floor area is at least 4.65m² if it is to be used as a bedroom for a person under 10 years old or over 6.5m² for a person over 10 years old. This may be possible by rearranging the first-floor bedroom layout, but ensure that if doing so, all rooms meet the required minimum size standards.
8. Under the Act a category 1 hazard is defined as a hazard of a description which falls within a band as a result of achieving, in accordance with a method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount.
9. “Hazard” means any risk of harm to health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (where the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).
10. In the event of a category 1 hazard existing Section 5 of the Act places a duty upon a Local Authority to take appropriate enforcement action in relation to that hazard. Furthermore, Section 5(2) of the Act sets out the various courses of action that are open to the Local Authority to pursue by way of appropriate enforcement action.
11. As a consequence, enforcement action can be one of the following:
 - a. Serving an Improvement Notice under Section 11.
 - b. Making a Prohibition Order under Section 20.
 - c. Serving a Hazard Awareness Notice under Section 28.
 - d. Taking emergency remedial action under Section 40.
 - e. Making an Emergency Prohibition Order under Section 43.
 - f. Making a Demolition Order under Sub-Section (1) or (2) or Section 265 of the Housing Act 1985.
 - g. Declaring the area in which the premises concerned are situated to be a clearance area by virtue of Section 289(2) of that Act.
12. In this case the First Respondent initially considered that both the Prohibition Order and an Improvement Notice to be the appropriate courses of action. As aforesaid the Improvement Notices have been dealt with and as such only a Prohibition Order remains. The Respondent Authority discounted making an Emergency Prohibition Order under Section 43 of the Act.
13. The First Respondent considered that the hazard identified was significant enough to pose a serious risk to occupiers of the premises and to visitors. As a consequence it discounted service of either a Hazard Awareness Notice, a Suspended Improvement

Notice or a Suspended Prohibition Order as inappropriate courses of action. In addition, it discounted service of an Emergency Remedial Action Order or an Emergency Prohibition Order as neither were proportionate having regard to the risk to health and safety presented to the property in its current position.

14. As a result a decision was made to serve a Prohibition Notice it being as per the First Respondent's case the most appropriate course of action to deal with the hazards identified at the property.
15. The Applicant issued his application to this Tribunal on the 21st July 2025.
16. Directions to progress the case were made on the 6th August 2025. At that stage the Improvement Notice was still a live appeal and as such the directions required the following:-
 - i. Calculations for the hazard ratings for hazard identified to be disclosed.
 - ii. Thereafter the Applicant to provide a bundle of documents to include the usual case papers together with an expanded statement of the reasons for the appeal, to include any additional grounds which the Applicant wishes to rely upon. Such statement to be verified by a Statement of Truth.
 - iii. The Directions also enabled the Applicant to instruct an expert if so advised, required detail as to the names of any witnesses who will give evidence and to provide signed and dated witness statements bearing a Statement of Truth.
 - iv. Conversely, the Respondents to address the issues set out in the Applicant's documentation for grounds for appeal and the Applicant's Statement. Such documents again to be coupled with Statements of Truth.
 - v. The first Respondent to also provide a paginated Respondent's bundle and a full statement of the reasons for opposing the appeal including relevant legal submissions.
 - vi. There was equal provision for the Respondent to rely upon expert evidence and to provide the names of any witnesses who were to give evidence together with signed and dated Witness Statements bearing Statements of Truth.
17. The Hearing bundle amounted to 548 pages much of which related to the Improvement Notice therefore a great deal was irrelevant. It is also worthy of note that there was quite a deal of repetition within the bundle with the same document appearing more than once and in some instances three times.

The Statutory Framework

18. An appeal of this nature governed by Part 3 Schedule 2 paragraph 7 and 8 of the Act. Paragraph 8(1) states in the following terms:-

An appeal may be made by a person under paragraph 7 on the ground that one of the courses of action mentioned in paragraph 8(2) considered the best course of action in relation to the hazard in respect of which the order was made.

Paragraph 8(2) in turn indicates those courses of action as being serving an Improvement Notice under Section 11 or 12, a Hazard Awareness Notice under Section 28 or 29 or making a Demolition Order under Section 265 of the Housing Act 1985.

19. At page 47 of the electronic bundle we have a Schedule of the scoring for the respective hazards. As previously mentioned, the only one of relevance now is the item under 11(b) which is “crowding and space (actual)”. This provides detail as to the dimensions of the (inter alia) first-floor rooms and indicates that the smallest of the first-floor rooms (excluding the bathroom) is 4m² but with a usable floor space of 2.7m² and concludes it is not large enough for a bed. The same document reveals the property to be occupied as follows “there is a mother and 3 children of the same sex over the age of 10 in the property” and goes on to opine that the property is only suitable for 3.5 occupants given the property’s overall size.

The Applicant’s Evidence

20. On behalf of the Applicant there is a Witness Statement made by Mr Phillip Tovey. This Witness Statement understandably deals with the appeal in relation to both the Improvement Notice (which was live at the time) and the Prohibition Notice. The only applicable paragraph in relation to the latter notice is paragraph 5. Given it is a brief paragraph we reproduce the same in its entirety:

“We appeal against the Prohibition Notice as we feel it is excessive and an abuse of power by Rhondda Cynon Taf Council, this will have implications for the landlord when he wishes to sell the property, the room is a box room and this was mentioned on the previous inspection report which I will annex as C. The tenant feels she is paying for a 3 bedoomed property whereby the tenant viewed the property back in 2024 took and accepted the property based on the contract which again does not mention bedrooms, other than a sum of money payable for the property. It is therefore the request for the Applicant the Prohibition Order is revoked and the said works cancelled. I believe due to recent events the landlord will be looking to sell the property due to his age and stress this has caused him.”

The First Respondent’s Evidence in Response.

21. The First Respondent’s evidence consists of a Statement of Reasons for opposing the appeal setting out why it considers making a Prohibition Order was the best course of action, emphasizing the point that a category 1 hazard existed because the first-floor room if used as a third bedroom was of a not large enough (in terms of useable floor space) to be legally used as a bedroom. In coming to this conclusion the First

Respondent emphasized the minimum legal standard as stipulated within Section 326 of the Housing Act 1985.

22. Our attention is drawn by this document to the fact that the property was initially advertised as a 3 bedoomed property. In June 2025 in an e-mail exchange between the second Respondent and Mr Tovey on behalf of the Applicant Mr Tovey stated that the property was a 3 bedoomed property. This flies in the face of the comments made within the application form on page five where in box 6 under the heading "Additional Information" the following is set out:-

"Prohibition Order is excessive and not required. At no time have we classed use of box room as bedroom. Full evidence and statements to be provided".

23. The reasons are further amplified in the witness statement made by Mr Paul Broad, Environmental Health Officer, pages 144 – 149 within the bundle where he summaries the background as follows:-

- i. A complaint from Rhian Mills on the 6th June 2025 in relation to concerns that one of the bedrooms was too small to be used as a bedroom. Mr Broad contacted Miss Mills and she explained that she entered into the occupation contract having seen the property advertised as 3 bedoomed and subsequently realized the smallest of the rooms upstairs could not be used as a bedroom and as such she was using the living room as her bedroom.
- ii. Following on from this Mr Broad inspected the property on the 17th June 2025 at 10am. At the inspection Mr Broad was accompanied by his colleague Alicia Lloyd and Miss Mills was also present as was a representative from Mr Tovey's company.
- iii. The statement goes on to explain that due to the need for headroom over the staircase a bulkhead had been formed in, the smallest of the upstairs rooms although having an area of 4m², in essence due to the bulkhead structure, it had just 2.7m² as usable floor area.
- iv. As a consequence, Mr Broad came to the conclusion that the property was legally overcrowded as defined by the Housing Act 1985. To be classed as a bedroom in accordance with the space standard as prescribed under Section 326 of the Housing Act 1985 the room had to have a minimum floor area of 4.64m².
- v. Mr Broad's evidence states that he tried to discuss the matter with Mr Tovey but from the outset Mr Tovey became defensive and not communicative. In this regard Mr Broad's evidence on this aspect is that he advised Mr Tovey that if the contract was altered to indicate the property to be a 2 bedoomed property or "put something formally in writing to make the tenant aware that the room was not a bedroom" then the First Respondent would not serve the Prohibition Order.

vi. Mr Tovey's response (as per Mr Broad's evidence) was that there was no reference in the contract to how many bedrooms there are and Smart Lettings did not stipulate how many people could live there. Accordingly, if there were too many people in the property it was the tenant's fault. In this regard Mr Tovey made reference to the fact that Miss Mills had viewed the property prior to entering into the occupation contract.

24. The First Respondent also provided a Witness Statement from Alicja Lloyd, Environmental Health Officer. This relates to the visit to the property and confirms Mr Broad's findings in relation to, in this instant appeal the usable space of the smallest room upstairs.

25. We were also provided with a statement by the Second Respondent Rhian Mills who is the tenant of the property. She denies the suggestion of involving the Local Authority as a result of being faced with a rent increase asserting that she first took issue back on the 25th January 2025 when Mrs Tovey (Mr Phillip Tovey's wife) conducted a first inspection long before any rent increase was applied. She refers to the property being advertised by the letting agency on Facebook as a 3 bedoomed house and viewed the same under that assumption. In this regard we can see at pages 260-270 of the bundle a chain of e-mail correspondence to which Miss Mills refers to and specifically the assertion that in some of the messages the property is described as a 3 bedoomed property. In addition, she relies upon the Facebook advert at page 272 which states in the following terms:-

"New to Market – 3 bed terraced house, High Street, Gilfach Goch, Porth, available 10/08/2024".

the rental advert at page 274 which again describes the property as 3 bedoomed terrace house to rent.

26. We then heard firstly in evidence from Mr Tovey on behalf of the Applicant, who made the following points:-

- i. His evidence was that the "Prohibition Notice came out of the blue". He disputed Mr Broad had sought to deal with the matter informally and confirmed that Mr Leadbitter the landlord was fully aware of the matter and would have preferred to have dealt with it in a different way.
- ii. He also made the point that in his view the Prohibition Notice will cause an issue in terms of the owner's desire to sell the property.

27. Mr Tovey was then cross-examined by Mr Goodwin of Counsel who put to him that the property had been marketed as a 3 bedoomed property initially and that despite this within box 6 at page five of the application form appealing the Prohibition Notice he referred to the property as a 2 bedroom/box room which was different to the earlier descriptions and e-mail chain.

28. Mr Tovey was also taken to the fire assessment at pages 153-159 which also referred to the property as having 2 bedrooms and a box room.
29. In answer to some of the cross-examination Mr Tovey's case was that Miss Mills had viewed it herself and that there were only "certain children" with her at the time but now it was overcrowded. He was taken to page 266 in the bundle again being the advert for the 3 bedrooomed property.
30. Mr Tovey strenuously denied that Mr Broad the Environmental Health Officer had offered numerous opportunities to deal informally with the matter and when paragraph 19 page 147 of Mr Broad's statement was read out he simply stated that never happened.
31. Another part of the Applicant's case was that the number of rooms or bedrooms was irrelevant as the occupation contract did not stipulate the same.
32. Mr Tovey confirmed he did not challenge the measurements taken by Mr Lewis, Surveyor Member but denied that the First Respondent was justified in making the Order so that the property was never again marketed as a 3 bedrooomed property.
33. When it was put to Mr Tovey by Mr Goodwin that some of the e-mails at least were signed off by him he said that he did not look at all the e-mails, that he had nine members of staff and only started to deal with this matter when it became more contentious.
34. We then heard from Mr Broad, Environmental Health Officer the first witness for the First Respondent.
35. Mr Broad confirmed the content of his Witness Statement to be true to the best of his knowledge and belief and accepted the measurements taken by Mr Lewis the Surveyor Member. He maintained as per his Witness Statement that Mr Tove had become defensive and not communicative when he tried to discuss the matter with him and denied that the first time there had been any suggestion of dealing with the matter informally was within his Witness Statement.
36. In answer to cross-examination by Mr Tovey, that the telephone call had not gone in the manner set out in Mr Broad's Witness Statement, Mr Broad replied that Mr Tovey had become very defensive, stating during the conversation stating "if you serve notice we will appeal" and constantly kept stating that he had to refer the matter to the owner Mr Leadbitter.
37. Mr Broad, in his oral evidence also said that at one stage the First Respondent would have been prepared to take the Applicant at his word and be content with an amendment to the occupation contract or some other form of documents instructing the tenant (Miss Mills) not to use the smallest room upstairs as a bedroom, but given

what had gone on since then would now not be content with anything other than a Prohibition Order restricting the use of that room.

38. We then heard from Ms Alicja Lloyd who again confirmed her Witness Statement to be true to the best of her knowledge and belief. She confirmed in Examination in Chief that she accepted the measurements taken by Mr Lewis Surveyor Member of the Tribunal. Mr Tovey did not cross-examine Ms Lloyd.
39. Lastly we heard from Miss Rhian Mills. She again confirmed the contents of her Witness Statement to be true to the best of her knowledge and belief. She was cross-examined by Mr Tovey who put to her that when she viewed the house there were a lesser number of children with her. She denied this and said that there had always been three daughters with her but now there was a fourth daughter, an adult who was of no fixed abode staying with her three or four nights a week.
40. In answer to cross-examination she said that she had raised the issue of a bedroom on countless times and that Mr Tovey's letting company had been dismissive, that Mrs Tovey had seen a bed in the living room when she was carrying out a fire risk assessment. Miss Mills said that initially she thought a bed could have fitted in the smallest room upstairs but latterly discovered that a single bed would not fit in that room.
41. Although not relevant to our deliberations Miss Mills also made the point that she had been overcharged as the property had been advertised as a 3 bedroomed where in essence it was a 2 bedroom plus storeroom upstairs.
42. The Tribunal Chair asked Miss Mills how she thought the matter could have been resolved, bearing in mind the contents of her Witness Statement. In answer she said that an adjustment in the rent would have been appropriate and also if she had been responded to "properly".
43. Lay Tribunal member Juliet Playfair questioned Miss Mills about the advert and the fact that she then having seen it advertised as a 3 bedroomed property, Miss Mills stated that she had visited the property, but she thought a single bed could fit in the smaller room. Her intention was to use the room for herself and when she discovered she could not she started e-mailing Mr Tovey expecting him to acknowledge it was a 2 bedroomed property.
44. Mr Goodwin then cross-examined Miss Mills who confirmed she had never used the smallest room as a bedroom. She was then taken to pages 132 and 136 of the bundle and asked "who did she think she was speaking to" to which she replied she thought she was corresponding with Mr Tovey.
45. We then turned to closing submissions and Mr Goodwin for the first Respondent provided the initial submissions making the following points:-

- i. It is a narrow point that is to be determined. The property had been marketed as a 3 bedoomed property as per paragraph 4 page 97 of the bundle. It was not possible to use the entirety of the small room upstairs and it had been accepted that it was too small, as a consequence the only issue is whether or not a Prohibition Notice is required.
- ii. Mr Goodwin submitted that in this regard credibility comes in and made the point that there is a clear timeline of the property being marketed post 2024 as a 3 bedoomed property and referred for example to page 144 and annex C and D. He also made reference to the fire risk assessments and the clear e-mails at annex B, asking the Tribunal to accept Mr Broad's evidence that he had offered to try and deal with the matter informally but Mr Tovey refused.
- iii. The e-mail chains stated unequivocally the property as being a 3 bedroom property and the adverts repeated that it was a 3 bedoomed property. Despite this at the time of the Application to Appeal despite all of this Mr Tovey referred to the property as a 2 bedroom plus box room within box 6 of the Application Form a document which was only completed shortly after his dialogue with Miss Mills by way of e-mail.
- iv. Mr Goodwin concluded by saying that in his submission it was clear the First Respondent had afforded the Applicant an opportunity to rectify the position but he via his agent had failed to do so and the fact that the property had been marketed as a 3 bedroom needed to be prevented in the future. As a result the only way to do this and prevent the use of the small room as a bedroom would be to confirm the Prohibition Notice.
- v. In the circumstances Mr Goodwin submitted that a Prohibition Notice was the most proportionate means as every other opportunity had not been taken up by the Applicant via his agent.

46. Mr Tovey then made his closing submissions by way of the following points:

- i. He firstly made the point that the Applicant Mr Leadbitter was fully aware of all proceedings,
- ii. Mr Tovey disagreed with Mr Broad's evidence as to having offered an opportunity to deal with the matter prior to a Prohibition Notice being made.
- iii. Mr Tovey seemed to accept there was an issue of overcrowding and then made the point that it was physically impossible for him to respond to every e-mail but accepted that he was the author of all the ones which bore his name at the foot of the message.

- iv. Mr Tovey wished the second Respondent Miss Mills well for the future and said that he was simply acting an agent for the owner and understood why she had contacted the Environmental Health Department.
- v. Mr Tovey concluded by confirming he was opposed to the Prohibition Notice.

47. Lastly, we heard from the second Respondent Ms Rhian Mills who recounted some details as to moving in and the rent increases in respect of which the Tribunal Chair told her that was of no relevance to the matter before this Tribunal. She also told us that she was receiving medication as a result of what all had gone on.

Discussion

- 48. We have considered all the evidence, both contained in the Witness Bundle and also the oral evidence given at the hearing and answers to cross-examination. We have specifically considered the evidence provided by the First Respondent and in particular the Housing Health and Safety Rating System Report and the reasons behind the Authority's decision to issue a Prohibition Notice.
- 49. We are mindful of the fact that the parties have agreed the dimensions produced by Mr Lewis the Surveyor Member and the agreement by all concerned that the room in question is too small to be legally used as a bedroom. In this regard even if the bulkhead as referred to in paragraph 23, above was not present the room size would still be below the minimum legally permitted for use as a bedroom.
- 50. In relation to the oral evidence we heard, the main witnesses were Mr Tovey and Mr Broad. In coming to that conclusion, we do not unduly dismiss Ms Alicja Lloyd's evidence but as it is just simply confirmatory of the site visit it does not take matters any further. Similarly, Ms Rhian Mills' evidence concentrated more on the rent increases and her unhappiness with that given the situation she could not as per her case, utilise the smallest room upstairs despite having assumed she could put a bed there when she viewed. Again, this evidence does not take matters any further.
- 51. Having said that we turn to the assessment of the main witnesses who gave evidence before us being Mr Tovey and Mr Broad.
- 52. Overall Mr Tovey did not present a good impression in his oral evidence and especially in answering during cross-examination. When for example he was specifically asked why he had completed box 6 of the application form to state that the property had never been advertised as a 3 bedroomed property but as a 2 bedroomed and box room property he became rather evasive in his answers. At one stage stating that he was unable to deal with each and every e-mail but then confirming that where the e-mail had been sent including his name at the foot of the message he would have dealt with it.

53. Whilst we would not go so far as to say that he deliberately tried to mislead the Tribunal in the initial application, given the earlier e-mail chain of events and adverts, it certainly demonstrated he had not thought through the process before making the application or looked back at the historic records to clarify what actually had gone on before launching into an appeal.
54. That is echoed by, in our view the evidence given by Mr Broad that Mr Tovey had said, issue the Prohibition Notice and we will appeal.
55. Conversely Mr Broad came across as a no-nonsense credible witness who accounted carefully for what had gone on. Under cross-examination by Mr Tovey he was firm that offers to deal with the matter informally by way of an amendment to either the occupation contract or by the creation of another document to notify the tenant (second Respondent) not to occupy the room in question as a bedroom was offered but not taken up. Mr Broad again mentioned that Mr Tovey was uncooperative and to an extent argumentative and dismissive of such a suggestion.
56. For the above reasons where there is a difference in the accounts between the parties, i.e., specifically the denial by Mr Tovey of any offer to compromise the matter and the evidence of Mr Broad that he attempted to do so we unequivocally prefer the evidence of Mr Broad. We find as a fact that the First Respondent Authority attempted to deal with the matter in a proportionate manner before issuing the Prohibition Notice and as such do not treat Mr Tovey's evidence as reliable in that specific regard.
57. We hasten to add that we do not form a view that Mr Tovey at any stage acted with any malice. He was at pains to make the point that he was simply an agent and had to take instruction. We did not of course have the benefit of hearing from Mr Leadbitter the Applicant as to his specific instructions and we are therefore in the dark in that regard.
58. One thing that is clear however is the simple fact that this property was, as is evidenced in the advert on Facebook and on the advertisement portal itself for the company run by Mr Tovey, advertised as a 3 bedroomed property. That is a matter of fact. The property seemed to as time went on to morph from being a 3 bedroomed property to being a 2 bedroomed property plus box room. That indicates shifting sands on the part of what can only be said to be as a consequence of the Applicant's action or that of his agent Mr Tovey. Nevertheless, it remains the case that this property was at least initially marketed in such a way that it proposed the room in question to be suitable for use as a bedroom. That is a matter of corroboration by way of contemporary documentation as aforesaid and the simple fact that the dimensions taken by Mr Lewis Surveyor Member were agreed by all the parties.
59. Mr Broad in his answer to cross-examination also made the point that the time for compromising had passed and in order to secure certainty that the property would not in the future be marketed again as 3 bedroom property the Prohibition Notice was a requirement as there was by now an absence of any trust between the parties.

60. We are satisfied that a category 1 hazard exists in terms of the use of the smallest room as a bedroom and that none of the other options available to the Respondent Authority would be adequate in this instance. We further make the point that the failing by the Applicant either by himself or via his agent to engage in meaningful discussion means that the only proportionate course of action for the Respondent Authority was to issue the Prohibition Order. In the circumstances we unequivocally confirm the Prohibition Order for the reasons as aforesaid.

Costs

61. Neither Counsel for the First Respondent or Mr Tovey for the Applicant raised the issue of costs during the course of the hearing. We note that an application has been made for costs. Accordingly, the parties are directed to discuss the matter of costs between themselves and if no agreement has been reached within 7 days of the date of this decision they are directed, if so advised, to file and serve submissions limited to the issue of costs extending to no more than 2 pages of A4 paper, 1.5 spaced in no less than 12 point type as to their respective positions in relation to costs. Upon receipt of submissions the Tribunal will reconvene and deal with this aspect of the case (if relevant) on the papers and hand down a further decision in that regard.

Dated this 2nd day of December 2025

Tribunal Judge
T. Lloyd