

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL (WALES)
LEASEHOLD VALUATION TRIBUNAL

Reference: RPT/0001/06/25

In the Matter of an Application under the Housing Act 2004 to appeal a Prohibition Notice

APPLICANT Mr P. Patel

RESPONDENT Housing Enforcement Shared Regulatory Services

TRIBUNAL	R Price	Legal Chair
	A. Weeks	Surveyor Member
	C. Calvin-Thomas	Lay Member

HEARING: 9 June 2026 Eastgate House Cardiff

DECISION NOTICE

1. The application is refused. The Prohibition Order dated 19 May 2025 is confirmed.

Reasons

2. This is an appeal against a Prohibition Order made by the Respondent on 19 May 2025 under sections 20 and 21 of the Housing Act 2004.
3. The Tribunal heard the appeal on 9 June 2026 and carried out a site inspection on the same day prior to the hearing. Mr Patel (Appellant) attended the hearing with Mr Bentley one of his occupiers who gave evidence to the Tribunal. Mr Gronow, Mr Tudball and Mr Grigg (solicitor) attended on behalf of Cardiff City Council.
4. The Tribunal has considered the circumstances as they existed at the date when the decision to make the Prohibition Order was taken. Subsequent works and evidence are considered so far as they inform the Tribunal's assessment of that decision.

Background

5. The Respondent inspected the property on 9 May 2025.
6. Following inspection and measurement of the rooms, the Respondent identified hazards relating to:
 - a. crowding and space
 - b. lighting
 - c. damp and mould growth
7. A Prohibition Order was served on 19 May 2025 prohibiting the use of the ground floor middle room as a bedroom.
8. The Appellant sought to vary the Order. By notice dated 10 June 2025, the Respondent refused to vary it on the basis that:
 - a. the proposed lounge area had inadequate natural light and ventilation;
 - b. the middle room lacked natural light and ventilation;
 - c. it was not possible to make that room suitable as a bedroom.

Issues

9. The Tribunal must determine:
 - a. Whether category 1 or category 2 hazards existed at the relevant time (i.e, 19 May 2025)
 - b. Whether the making of a Prohibition Order was an appropriate and lawful response;
 - c. Whether an alternative course of action should have been taken;
 - d. Whether the subsequent works and Building Control approval affect the lawfulness of the decision.

Findings

10. The Tribunal finds, as at 19 May 2025:

- a. The ground floor middle room had no window, and therefore no direct natural light or direct natural ventilation;
- b. Any ventilation was limited to air movement through internal spaces (“borrowed ventilation”);
- c. The property was operated, or intended to be operated, as accommodation for multiple unrelated occupiers rather than a single household; this is consistent with the Appellant’s own evidence that rooms were let individually and occupiers did not necessarily form a pre-existing group;
- d. The lounge/corridor area measured approximately 9.48m², below the Respondent’s adopted standard;
- e. The layout did not provide a communal living area with adequate natural light and ventilation when considered as a whole.

11. The Tribunal accepts that there was of no observed damp or mould at the time of inspection. However, the absence of ventilation created a foreseeable risk of such conditions developing.

Hazards

12. The Tribunal is satisfied that:

- a. A category 1 hazard of crowding and space existed, given the limited size of rooms and the absence of an adequate communal living area in the context of bedsit occupation;
- b. A category 2 hazard of lighting existed, arising from the absence of natural light and outlook in the middle room;
- c. A category 2 hazard of damp and mould growth existed as a risk due to lack of ventilation.

13. The Tribunal accepts that the HHSRS involves an assessment of risk rather than existing harm, and does not require measurement in the manner suggested by the Appellant.

Nature of Occupation

14. A central issue in this appeal is the nature of the occupation.
15. The Tribunal accepts the Respondent's distinction between:
- a single household or cohesive group, and
 - a bedsit-style arrangement, where occupiers function independently.
16. The Tribunal finds that:
- a. The property was being used, or was intended to be used, in a manner consistent with bedsits with shared facilities rather than a true single household;
- b. In such circumstances, each occupier relies more heavily on their own room as their primary living space.
17. This materially increases the significance of deficiencies in the middle room, particularly the absence of natural light and ventilation

The Applicant's case

18. The Tribunal has considered in detail the Appellant's submissions, including:
- a. That the kitchen and lounge should be treated as a combined space exceeding 18m²;
- b. That no damp or mould was observed;
- c. That artificial solutions (light tunnels, "smart windows", and mechanical ventilation) could mitigate the hazards;
- d. That the property could be occupied safely by a smaller number of persons;
- e. That the property had been occupied in this manner for many years without complaint.

19. The Tribunal does not accept those submissions for the following reasons:

- a. The adequacy of accommodation is assessed objectively, not by historic use or absence of complaint;
- b. The proposed artificial lighting solutions do not provide natural light or outlook, which are core components of the lighting hazard under HHSRS;
- c. Mechanical ventilation may mitigate, but does not necessarily replace, natural ventilation, particularly where the room is a person's primary living space;
- d. The Tribunal accepts the Respondent's evidence that the lounge and kitchen did not constitute a single combined living space at the relevant time;
- e. Even if the communal space were adequate, that would not remedy the fundamental deficiencies of the middle room itself.

The Building Control Certificate

20. The Appellant relies on a Building Regulations completion certificate dated 21 July 2025 relating to works at the property, including alterations to create a bedroom and improvements to fire safety.

21. The Tribunal has taken that document into account.

22. However:

- a. The certificate relates to compliance with Building Regulations, not to the presence of hazards under the Housing Act 2004;
- b. It expressly states that it is not conclusive evidence of full compliance;
- c. The Respondent correctly advised that Building Regulations are not determinative of HHSRS assessments;
- d. In any event, the certificate post-dates the decision and does not address the absence of natural light or a window in the middle room.

23. Accordingly, the Tribunal finds that the certificate does not undermine the lawfulness of the Prohibition Order.

Alternative Courses of Action

24. The Tribunal has considered whether an alternative enforcement option would have been more appropriate.

25. The Tribunal accepts that:

- a. A hazard awareness notice would not have secured any works;
- b. An improvement notice would not have been capable of remedying the absence of natural light and outlook in the middle room

26. The Tribunal places particular weight on the Respondent's consistent position that it was not possible to make the middle room suitable as a bedroom, which is reflected both in the Prohibition Order and the refusal to vary.

27. In those circumstances, the Tribunal finds that a Prohibition Order was a proportionate and appropriate response.

28. The Tribunal is satisfied that:

- a. The Respondent identified hazards within the statutory scheme;
- b. The Order addressed those hazards directly;
- c. The Order complied in substance with the requirements of the Housing Act 2004.

29. The Tribunal finds, on the balance of probabilities, that:

- a. The hazards identified by the Respondent existed at the relevant time;
- b. The property, when used as bedsit-style accommodation, gave rise to significant risks to occupiers;
- c. The deficiencies in the middle room could not be adequately remedied by lesser measures;
- d. The decision to make a Prohibition Order was lawful and proportionate.

30. During oral submissions, Mr Patel invited the Tribunal to consider the works that have been undertaken since the issue of the Prohibition Notice, despite

the fact the law requires the Tribunal to consider the circumstances at the date that the Order was issued. Mr Patel explains that his submission relates to the question that the Tribunal has to ask itself, as to whether the service of an improvement notice would have been a more proportional approach to resolve the concerns identified.

31. The Tribunal did not accept this submission, as at the date of the issue of the Prohibition Notice Mr Patel had not set out what works he intended to do to, or indeed if he did have plans to undertake works. In any event, the works that have been undertaken have not resulted with the Respondent varying the Prohibition Order.

32. Accordingly, the application is refused and the Prohibition Order is confirmed.

33. It is open to Mr Patel to make an application pursuant to Section 25(8(a) of the Housing Act 2004.

Dated this 21 July 2026

R. Price

Tribunal Judge