



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **MAN/00CC/RTB/2025/0002**

Property : **2 Sceptone Grove, Shafton, Barnsley**

Applicant : **Mrs Barbara Mincher**

Respondent : **BARNSELY METROPOLITAN DISTRICT
COUNCIL**

**Type of
Application** : **DETERMINATION AS TO EXCEPTION OF
THE PROPERTY FROM “RIGHT TO BUY”**

Tribunal Members : **Judge A M Davies
A HOSSAIN MRICS**

Date of Decision : **7 April 2025**

DECISION

Pursuant to paragraph 11 of Schedule 5 to the Housing Act 1985, the Applicant does not have the right to buy the Property.

REASONS

1. Mrs Mincher has occupied 2 Sceptone Grove, Shafton for some 23 years. The property is owned by the Respondent. On 20 December 2024 the Respondent refused Mrs Mincher’s application to buy the property. She applied to this Tribunal on 1 February 2025 for a determination as to whether she was entitled to buy the property, and supported her application with written reasons.

2. The right to buy a property rented from the Local Authority may be refused if paragraph 11 of Schedule 5 to the Housing Act 1985 applies. Paragraph 11 of Schedule 5 provides, so far as relevant, as follows –

“(1) The right to buy does not arise if the dwelling-house—

- (a) is particularly suitable, having regard to its location, size, design, heating system and other features, for occupation by elderly persons, and
- (b) was let to the tenant or a predecessor in title of his for occupation by a person who was aged 60 or more (whether the tenant or predecessor or another person)

.....

- (6) This paragraph does not apply unless the dwelling-house concerned was first let before 1st January 1990.”

3. It is agreed that 2 Sceptone Grove was first let prior to 1st January 1990 and that the property was let to Mrs Mincher for her own occupation, she being aged over 60 when the tenancy began.
4. The Tribunal is required to have regard to guidelines issued for the purpose of assessing whether a property is particularly suitable for occupation by elderly persons. For this purpose “elderly persons” means people who are able to live independently despite some limitations owing to age. It does not mean people who are frail or severely disabled.
5. In order to determine whether the property was particularly suitable for occupation by elderly people the Tribunal inspected it on 7 April 2025 in the presence of Mrs Mincher.
6. 2 Sceptone Grove is a single storey semi-detached dwelling on a cul-de-sac among similar buildings in the village of Shafton. There are moderate gradients in the area. There is a slightly sloping path from the pavement to the front door of the property, with a handrail on each side. The property comprises an entrance hall, two bedrooms, living room, bathroom and kitchen with back door leading to an enclosed garden. There are slight variations in height but no appreciable steps at the front and back doors. There is central heating to all living rooms and the heating can safely be left on all night. The property has double glazing to all windows, and the doors are

uPVC. Following its inspection the Tribunal considers that the internal accommodation is suitable for occupation by the elderly.

6. A Sainsburys, a village shop selling groceries and a community centre are approximately half a mile from the property and can be reached on a slight uphill slope. The shops can also be reached by bus, which runs three times a day. Mrs Mincher confirmed that she used to access the shops by walking or by bus, although now she needs her children's help with shopping. There are bus stops within a short distance of the property. A doctor's surgery is within half a mile.
7. In view of these findings, the Tribunal concludes that the property is particularly suitable for occupation by elderly persons, and therefore is not available for purchase by Mrs Mincher.