



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

Case Reference : MAN/00FF/HIN/2025/0601

Property : 29b Travis Street, Bridlington YO15 2EG

Applicant : Stephen Harrison

Representative : N/A

Respondent : East Riding of Yorkshire Council

Representative : Russell Lee & Hannah Skelton of East Riding of Yorkshire Council

Type of Application : Appeal against the service of an Improvement Notice Housing Act 2004 Schedule 1, paragraph 10(1)

Tribunal Members : Judge T N Jackson
N Swain MRICS FAAV

Date of inspection : 5 August 2025

Date of Decision : 26 August 2025

DECISION

Decision

The Tribunal orders that, with the exception of the combined Schedule of Works which is considered below, the section 11 Improvement Notice dated 20 November 2024 is confirmed as issued.

The Tribunal orders that the section 12 Improvement Notice dated 20 November 2024 is varied as set out below, but is otherwise confirmed as issued:

- a) The deletion from the list of Hazards of Hazard 11 'Crowding and Space'; item 11 of the deficiencies resulting in the Hazard and the whole of the paragraph of the Schedule of Works headed 'Category 2 Hazard: Crowding and Space' including the description of the Hazard and the Works.

The Tribunal orders that the combined Schedule of Works for the section 11 and section 12 Improvement Notices be varied as set out below, but is otherwise confirmed as issued:

- b) The Schedule of Works paragraph headed 'Category 1 Hazard: Collision hazards from low headroom' is to be varied by the deletion of the whole of the description of the Hazard, to be replaced with:

'The internal insulation which has been installed to the staircase leading to the 2nd floor has reduced the ceiling to an unsafe height Several secondary hazards are also associated with the area, including Excess Cold, Damp and Mould as well as Fire'.

- c) The Schedule of Works paragraph headed 'Category 1 Hazard: Collision hazards from low headroom' is to be varied by the deletion of the whole of the Works described, to be replaced with:

'The original headroom to the staircase leading to the 2nd floor should be reinstated and insulation should be installed above that level. Reconstruct the ceiling using plasterboard, with scrimmed joints and skimmed to a smooth finish *or such other finish as agreed by the Council*. Make good all works disturbed.'

- d) The Schedule of Works paragraph headed 'Category 1 Hazard: Excess Cold regarding internal insulation installed to several ceilings', is to be varied by the deletion from the Works of the following:

'*** Please note that it has been confirmed that only a Local Authority Building Contractor can now be used. For further information, please contact East Riding of Yorkshire Council's Building Control Department on 01482 393939'.

- e) The Schedule of Works headed Category 1 Hazard: Excess Cold-roof space above the first-floor bedroom is not insulated, is to be varied by the deletion of the whole of the first paragraph from the description of the Works, and replaced with:

‘Install roof insulation to the whole roof area to the maximum possible given the design of the roof and without reducing the ceiling height. All work to be carried out to the latest building regulations, particularly in respect of electrical safety and ventilation where appropriate. To reduce the risk of cold bridging and/or condensation you should seek advice from a reputable contractor/organisation’.

- f) The Schedule of Works headed ‘Category 2 Hazard: Falling on Level Surfaces’ is to be varied by the deletion of the whole of the Works described and replaced with

‘Arrange for a structural survey of the Property to be completed by an appropriately qualified and insured person which adequately assesses the movement found. Once the report has been provided, we will then determine if further works are required to reduce/remove the hazards found.’

The remedial works are to be started within 28 days of the service of this Decision upon the Applicant and each part of them is to be completed within 4 months of the date of service.

Reasons for decision

Introduction

1. The Applicant is the freehold owner of the Property which was occupied by a tenant. On 20 November 2024, the Respondent Council served two Improvement Notices on the Applicant. The Applicant appealed to the Tribunal by an appeal form received by the Tribunal on 6 January 2025. The appeal related to the service of the Improvement Notices and more particularly, the requirement for building regulation approval referred to in various paragraphs of the remedial works; the Applicant’s opinion that plasterboard finished by filling in the cracks and then paint was appropriate and finally, that there was no need to carry out a structural survey.
2. The application to the Tribunal was received 11 days out of time. After considering representations from the Applicant, on 29 April 2025, the Tribunal accepted the application.
3. Directions regarding case management matters were issued on 21 May 2025. The Directions proposed that the matter be dealt with by way of an inspection and hearing. Following representations from the Applicant, on 5 June 2025, the Tribunal determined that the matter would be dealt with by inspection and paper determination.
4. The Tribunal received bundles from both parties, both of which included photographs. Following receipt of the Respondent’s bundle, the Applicant submitted further information by email dated 21 July 2025.

Background

5. On 21 May 2024, the tenant of the Property contacted the Respondent alleging disrepair which his landlord, the Applicant had failed to address. This included

unsafe electrics, damp, mould and mushrooms which were growing from under the shower cubicle. Some floors were sloped, sagging and the floorboards were in disrepair. There was also a leak under the kitchen sink, the radiator was hanging off and the roof also leaked in several places.

6. On 11 June 2024, Hannah Skelton, Private Sector Housing Officer inspected the Property in accordance with the Housing Act 2004, carried out a housing, health and safety rating system assessment (HHSRS) and concluded that there were several Category 1 & 2 Hazards present in the Property. The Property also lacked a valid Electrical Installation Condition Report (EICR) and the electrics in the bathroom were found to be unsafe. The Applicant and his letting agent were asked to address these issues immediately.
7. On the same date, Ms Skelton emailed Building Control to query whether installation of internal wall insulation is something Building Control could investigate, as it appeared that more than 50% of the surface of an individual element had been upgraded without building regulation approval.
8. A pre statutory notice and Schedule of Works were issued to deal with the disrepair informally and which required works to be undertaken before 30 September 2024.
9. On 28 June 2024, the Applicant emailed Ms Skelton in response to her 'report' regarding the deficiencies, and disagreed with many aspects, including the measurements on the steps to the second floor and her concerns regarding the bedrooms. He considered that building regulation approval was not required.
10. On 2 July 2024, Ms Skelton responded to the above email and went through each of the issues raised.
11. On the same date, Ms Skelton forwarded to the Applicant the response to her from Building Control dated 12 June 2024. It states that *'the insulation would need regs if more than 50% of the area was done. Looking at the pictures, this would be the case. The owner would need to submit a regularization application to have the work signed off. I have attached our application form for them if you have their details'*.
12. On 3 October 2024, Ms Skelton and Mr Lee inspected the Property which identified that most of the disrepair listed in the informal Schedule of Works had not been completed.
13. On 6 October 2024, Building Control confirmed to Ms Skelton that no application for building approval had been received for the works completed to the ceiling in the bedroom and the stairs.
14. On 15 November 2024, the Applicant emailed Ms Skelton following a meeting that had taken place between Ms Skelton and the Applicant's letting agent. He had provided his business card from when he previously ran a surveying business before he retired. He commented that as he was a retired RICS Chartered Surveyor, his views on the structure of the Property should be accepted and an independent structural survey was not required. He referred to a conversation with Building Control which he says suggested that 'the current work to the ceilings would fall in the agreed 25% permitted development

allowance, however, to add insulated plasterboard to the sloping ceiling in the main bedroom would increase it above this level and would need a building notice’.

15. On 19 November 2024, a Building Control officer confirmed via email to Ms Skelton that he had spoken to the Applicant whilst at another of his properties stating *‘I did go through what he had done and advised he did need Building Regulations and he said he would submit an application as the works which require Regulations are 50% of an individual element. The 25% rule is for major works i.e. re roofing works. He did say there had already been areas that had been insulated previously on another grant scheme. I also advised I can only control works that meet the above criteria as he was stating the tenant didn't want some areas upgrading and advised him he needs to speak to your department’*.
16. On 20 November 2024, the two Improvement Notices were issued.
17. On 15 February 2025, the Applicant emailed Mr Lee to advise him of the works he had already completed. He queried the ceiling height requirements, the proposed restriction of the smaller bedroom on the 2nd floor and sought advice re how to insulate various areas due to the design of the building.
18. On 17 February 2025, Mr Lee emailed the Applicant to advise that Building Control have previously made it clear to the Applicant that building regulation approval was required and he would have to apply retrospectively for the works undertaken and would need building regulation approval for the insulation works requested in the Schedule of Works. Questions re ‘how to’ regarding insulation would be made clear by the application to Building Regulation and he should seek his own advice.
19. On 20 February 2025, the Applicant emailed Mr Lee to express concern that an independent structural survey was required. He referred to there being a hair line crack in the coving above the entrance doorway and a historical crack to the wall in the first bedroom. He refers to the lounge floor being stable with a slight slope which has never been a problem to other tenants.

The Improvement Notices

20. Full copies of the two Improvement Notices were included within the Respondent’s bundle. Schedule 1 of the Section 11 Notice identified two Category 1 Hazards namely Collision Hazards from Low Headroom, and Excess Cold. Schedule 1 of the Section 12 Notice identified five Category 2 Hazards namely Damp and Mould; Falling on Stairs; Falling on Level Surfaces; Crowding and Space, and Lighting.
21. Each Improvement Notice set out the deficiencies giving rise to the Hazards and referred to a combined Schedule of Works for both Improvement Notices to remedy the Hazards. Each Improvement Notice required the Applicant to begin the specified remedial works no later than 28 days from the service of the Notice and to complete the works on or before 20 March 2025 (4 months in total).
22. The Notices were accompanied by a Statement of Reasons for the decision to take enforcement action.

Inspection

23. We inspected the Property in the presence of the tenant, Russell Lee, Principal Officer, Private Sector Housing and a Council officer in training. The Respondent did not attend the inspection.
24. The Property is contained within a three storey end terraced house of brick construction and slate roof which was built circa 1910. We are told that in the 1970's, the building had been converted from a shop on the ground floor with flat above to two self-contained flats. The subject Property is located on the first and second floors of the building and has a separate entrance door on the ground floor. It comprises an entrance hall on the ground floor and steps to the first floor. On the first floor, there is a living room, kitchen, bathroom (with separate toilet) and bedroom and steps to the second floor. On the second floor, there is a main bedroom and a further bedroom. Both bedrooms on the second floor have sloping ceilings on one side of the room and a chimney breast on the other, which protrude into the room, meaning there is limited useable space in both bedrooms.
25. Both parties' submissions included photos of both the interior and exterior of the Property.
26. We asked Mr Lee to point out the deficiencies resulting in the Hazards as detailed in Schedule 1 of each Notice, (6 deficiencies in the section 11 Notice and 12 in the section 12 Notice). We noted internal insulation plaster boarding has been installed on the first -floor landing and stairs leading to the second floor (which suffered from low headroom); to the sloping ceiling in the smaller bedroom on the second floor and the hallway outside the bathroom. We noted in the bedroom on the second floor that plasterboard had been placed minimally above the original height of the ceiling, as demonstrated by the existence of a line where the previous ceiling had been. We took particular attention to the heights of the ceilings and noted that the height of the steps to the second floor was not consistently above 1.8m. We noted a crack on the ceiling of the ground floor hallway beneath the first floor living room. We noted from visual inspection the significant slope in the living room floor. We noted that some of the remedial works had already been carried out both internally and externally, which confirmed statements to this effect in the Applicant's appeal bundle.

The Law

27. The Housing Act 2004 ('the Act') introduced a new system for assessing the condition of residential premises operated by reference to the existence of Category 1 and Category 2 Hazards. Section 2 of the Act defines Category 1 and 2 Hazards and provides for Regulations for calculating the seriousness of such Hazards. The relevant Regulations are the Housing Health and Safety Rating System (England) Regulations 2005 (SI 2005/3208) which came into force on 6th April 2006.
28. Section 3 of the Act imposes a duty on a local housing authority to keep housing conditions in its area under review. Section 4 imposes a duty on an authority to inspect properties in certain circumstances. If on such an inspection the authority considers that a Category 1 Hazard exists, section 5 imposes a duty to

take the appropriate enforcement action. Where the Hazards are rated as Category 2, section 7 provides that the authority has discretion to take action, including the service of an Improvement Notice. An Improvement Notice requires the party on whom it is served to take remedial action in respect of the Hazard, usually by carrying out specified works. Section 11 of the Act says that remedial action to be taken must as a minimum be such as to ensure that the hazard ceases to be a Category 1 Hazard but may extend beyond such action.

29. Section 8 of the Act requires the authority to prepare a Statement of Reasons explaining why they decided to take the relevant action-in this case an Improvement Notice- rather than any of the other kinds of enforcement action available to them.
30. Section 13 of the Act sets out the statutory provisions regarding the contents of Improvement Notices whether served under section 11, in relation to Category 1 Hazards, or section 12 in relation to Category 2 Hazards.
31. Section 49 of the Act allows the authority to make such reasonable charge as it considers appropriate as a means of recovering administrative and other expenses incurred by it in determining whether to serve an Improvement Notice, identifying any action to be specified in the Notice and serving a Notice.
32. Part 3 of Schedule 1 to the Act provides for appeals against Improvement Notices. Paragraph 15 states that the appeal is to be by way of a rehearing but may be determined having regard to matters of which the authority was unaware. The Tribunal may confirm, quash or vary the Improvement Notice.
33. Section 9 of the Act provides for the appropriate national authority to give guidance to local housing authorities about exercising their functions under the Act, in particular their functions under Chapter 2 of Part 1 of the Act relating to Improvement Notices. Section 9(2) provides that an authority must have regard to any such guidance.
34. In 2006, the then Office of the Deputy Prime Minister issued guidance under section 9 relating to HHSRS Operating Guidance (reference 05HMD0385/A) and HHSRS Enforcement Guidance (reference 05HMD0385/B), as amended.

Submissions

Applicant

35. The Applicant retired as a RICS Chartered Surveyor in 2000 after running his own surveying practice in Bournemouth. He moved to Bridlington in early 2000 and ran a property business. He has a portfolio of properties in Bridlington which he has been reducing since he left Bridlington in 2015.
36. The Applicant says that all works not disputed in the Improvement Notices have been carried out with internal works carried out before 20 March 2025 repointing completed mid-April 2025.
37. He disputes the need to replaster plasterboard joints and says that Mr Lee has confirmed that plasterboard joints can be skimmed with noncracking filler and painted rather than plastering.

38. The Applicant disputes the need for building regulation approval. He asserts that Building Regulations are required 'when more than 50% of the surface of an individual element is being upgraded, or 25% of the total building element is being upgraded'.
39. He says that with his other properties in Bridlington, the Respondent has never asked for building control involvement with insulation and therefore they have set a precedent. He says the works do not involve 50% and there does not need to be building control involvement. He refers to an email he sent of 13 December 2024 in which he gave figures which demonstrated that the works done did not exceed 50%.
40. In the email he said that the Property was a 3 storey end terraced and upgrading insulation works were being carried out to ceilings to part of the first floor and part of the second floor. The total floor area of the building was approximately 183.93 square metres, area of ceiling over floor area being insulated was approximately 44.5 square metres and therefore in his opinion building control was not required.
41. He disputes the height of the ceiling on the stairs. The recommendation is that the height should be at least 1.8m. He encloses a plan (not to scale) which shows 1.9m.
42. He says that there is only a small hair line crack to coving above the door way on the ground floor. He lived in the Property during 2020 and did not note any sloping in the living room floor. He attempted to inspect the floor in March 2025 but could not inspect due to the room being full of the tenant's belongings. He cannot recall seeing any movement to the building as this would be evident externally around doors and windows. He says that as a retired RICS Chartered Surveyor he can provide his professional opinion of the Property's structure and that an independent report is not required.
43. His submission included 3 photos of outside the building and one showing insulation work on the first- floor landing.

Respondent

44. The Respondent Council's bundle included witness statements from Ms Skelton Private Sector Housing Officer and Mr R Lee, Principal Officer, Private Sector Housing. It included a copy of the HHSRS scoring sheet including a copy of the full wording of the HHSRS assessment which explained how Ms Skelton had determined that Category 1 and 2 Hazards existed. It included a copy of the inspection sheet completed on 11 June 2024, which set out each deficiency and the relevant Hazard to which it contributed. The bundle included photographs taken at the inspection. Details of the Energy Performance Certificates dated 14 December 2024 and 24 March 2025 were produced.
45. In relation to the issue of building control approval, the Respondent included an email trail with Building Control which referred to building regulation approval being required.

46. The Respondent's case as to why an Improvement Notice (rather than any other formal Notice or Order) was appropriate was set out in the 'Statement of Reasons for decision to take enforcement action dated 20 November 2024 which was sent with the Improvement Notices.

Deliberations

47. We consider the matter by way of a rehearing. We are looking at matters afresh; but what we are looking at is **the Respondent's decision** to issue Improvement Notices and the terms of those Notices, rather than making a decision based on the Property as at the inspection, which is several months later. We should make a decision considering the evidence that was available to the Respondent when it made its decision, although we may have regard to matters of which the Respondent was unaware at the time. In coming to this decision, we have therefore not taken into account any of the remedial works that we acknowledge the Applicant has carried out.
48. The correct approach to deal with works carried out, is for the Applicant to contact the Respondent, who if satisfied that the works have been carried out to their satisfaction, may vary or revoke the Improvement Notice to reflect such works.
49. We note that in the application, the Applicant has not challenged the HHSRS assessment of the Hazards at the Property nor raised any questions regarding the Respondent's compliance with the procedural requirements relating to the issue of the Improvement Notices.

Hazards

50. We had regard to the written evidence of Ms Skelton and Mr R Lee regarding the inspection and subsequent reinspection; the photographic evidence taken at the time; the HHSRS risk assessment, and our inspection. With the exception of the Category 2 Hazard of Crowding and Space in Schedule 1 of the section 12 Notice, (see paragraph 51 below), we agree that the Category 1 and 2 Hazards, as described in the Improvement Notices, existed and had been appropriately categorised as Category 1 and 2 respectively.
51. The exception relates to the deficiency resulting in the Category 2 Hazard of Crowding and Space which was detailed as:
- 'The 2nd floor bedroom which is currently empty has limited useable space due to the sloped ceiling and chimney breast. The space has been further reduced by internal insulation being installed to the sloping ceiling. These works also lack Building Regulations approval. The number of persons using this bedroom may need to be restricted due to the size and layout; however, this assessment cannot be completed until it has been proven that the internal insulation has been installed and meets the current British Standards.'*
52. From our inspection, we noted that works had been carried out to the sloping ceiling, namely the installation of plasterboard including insulation. However, in our view, the useable room space had not been reduced as a result of the works carried out, as set out in the deficiency worded above, as we could see the line of

the original ceiling on the walls below where the works had been carried out. Whilst we accept that there may still be a deficiency regarding the level of insulation within the room, the deficiency as described relates to the alleged Hazard of Crowding and Space not the Hazard of Excess Cold. As the Respondent Council refers to a possible restriction of the number of persons pending further information, in the absence of such information, we consider it premature to determine that there is a Category 2 Hazard of Crowding and Space.

53. We therefore vary the section 12 Improvement Notice by deleting Hazard 11 Crowding and Space from the list of Hazards; item 11 of the deficiencies resulting in the Hazard and the whole of the paragraph of the Schedule of Works headed 'Category 2 Hazard: Crowding and Space' including the description of the Hazard and the Works.
54. We noted the nature of the Hazards, the background and the lack of progress in relation to works following an informal approach in relation to Hazards properly categorised as Category 1, (in relation to which the Respondent has a **duty** to act), and Category 2. We find that an Improvement Notice, rather than any other formal Notice or Order or indeed no formal action, was appropriate. We agree with the Respondent's considerations as to the appropriate option as set out in the Statement of Reasons for decision to take enforcement action dated 20 November 2024.
55. We are satisfied that the Respondent complied with the statutory requirements set out in sections 8 and 13 and Schedule 1 of the Housing Act 2004 in relation to the issue and service of the Improvement Notices.

Combined Schedule of Works setting out remedial action

56. We are conscious that the main issue the Applicant raised in his application was the reference in the Improvement Notices to the need for building regulation approval for certain works which he considered was not required. It is not the Tribunal's role to determine whether or not building regulation approval is required for any specific works. That is entirely within the purview of the Respondent as local authority. The Applicant must seek advice and communicate with the Respondent's Building Control section regarding this matter. If the Respondent considers that building regulation approval is required and it has not been obtained, then it is unlikely that an Improvement Notice will be revoked. This could lead to a potential breach of the Improvement Notice in relation to which there are enforcement avenues available both to the Respondent, such as prosecution or civil penalty imposed on the Applicant and also for the tenant, in the form of a Rent Repayment Order. The onus is on the Applicant to persuade the Respondent, in its capacity as building control regulators as distinct from Private Sector Housing Staff, that building regulation approval is not required.
57. We consider that it is entirely appropriate for an Improvement Notice to refer to the need to seek building regulation approval where works are to be carried out which appear to fall within their requirements. In this particular case, an assessment needs to be made whether the insulation works provided sufficient insulation and if it had been installed correctly to manage the internal humidity levels and avoid interstitial or surface condensation forming within the Property.

Further, an assessment needs to be made as to whether the ceilings met the acceptable levels set out in Building Regulations Approved Document K. Whether they do or do not as a matter of fact, is a matter for Building Control. We therefore do not vary the Schedule of Works in relation to references to the need to seek building regulation approval.

58. From our inspection and the Applicant's submission, it was clear that some works had been carried out. With the exception of the specific remedial action set out in paragraphs 59-67 below, having regard to the nature of the Hazards, the photographs in each parties' bundle, the written evidence of Ms Skelton and Mr R Lee and our inspection, we find that the remedial action detailed in the combined Schedule of Works for the section 11 and 12 Notices to be appropriate and proportionate.

Category 1 Hazard: Collision Hazards from Low Headroom

59. There appears to have been a conflation of the need for building control approval of the installation of insulation and the actual Hazard to be remedied, namely the collision hazard from low headroom, (which may or may not have been caused by the installation of the internal insulation and which is, in our view, a separate matter to be dealt with under the Hazard of Excess Cold). The Hazard itself can be remedied by removing the internal insulation installation on the staircase leading to the 2nd floor. We took the opportunity to add flexibility to the Works regarding the finish to any plaster boarding, as raised by the Applicant.
60. The Schedule of Works paragraph headed 'Category 1 Hazard: Collision hazards from low headroom' is to be varied by the deletion of the whole of the description of the Hazard which is replaced with:

'The internal insulation which has been installed to the staircase leading to the 2nd floor has reduced the ceiling to an unsafe height Several secondary hazards are also associated with the area, including Excess Cold, Damp and Mould as well as Fire.'

61. The Schedule of Works paragraph headed 'Category 1 Hazard: Collision hazards from low headroom' is to be varied by the deletion of the whole of the Works described to be replaced with:

'The original headroom to the staircase leading to the 2nd floor should be reinstated and insulation should be installed above that level. Reconstruct the ceiling using plasterboard, with scrimmed joints and skimmed to a smooth finish or such other finish as agreed by the Council. Make good all works disturbed.'

Category 1 Hazard: Excess Cold- regarding internal insulation installed to several ceilings

62. In the description of the Works to be carried out, we find that there is a lack of clarity regarding the phrase:

*'** Please note that it has been confirmed that only a Local Authority Building Contractor can now be used. For further information, please contact East Riding of Yorkshire Council's Building Control Department on 01482 393939'.*

63. There is no word within either the description of the Hazard or the accompanying Works which is cross referenced with ** to which this phrase purports to relate. Further, is it a Local Authority Building Contractor as stated or is the intention to refer to Local Authority Building Control? In the absence of any clarity, we delete the above phrase.

Category 1 Hazard: Excess Cold- roof space above the first floor bedroom is not insulated

64. On inspection, we found that the design of the Property resulted in a lack of significant roof space below the window in the first- floor bedroom which would necessarily prohibit both the depth of insulation capable of being fitted and the effectiveness of any loft hatch proposed to be fitted as required by the remedial works. We therefore found the requirement for a loft hatch to be unreasonable. We noted the wording 'If there are areas of the roof with no loft access, then you may need to install a loft hatch....'. The use of the word 'may' creates uncertainty as there is a lack of clarity as to whether the Applicant is or is not required to install a hatch. Who would make that decision and when. How can that phrase be enforced? How does the Applicant know what he is required to do? We therefore vary the works required as detailed below.
65. In the description of the Works, the whole of the first paragraph is deleted and replaced by:

'Install roof insulation to the whole roof area to the maximum possible given the design of the roof and without reducing the ceiling height. All work to be carried out to the latest building regulations, particularly in respect of electrical safety and ventilation where appropriate. To reduce the risk of cold bridging and/or condensation you should seek advice from a reputable contractor/organisation'.

66. The other paragraphs in Works within this Hazard remain.

Category 2 Hazard: Falling on Level Surfaces-The property has signs of structural movement

67. At our inspection, we noted sponginess in the ground floor hallway, a significant slope to one side in the living room and an uneven bathroom floor. We agree with the need for an independent structural survey report. We note that the Applicant is a retired Chartered Surveyor and he considers that he can give an appropriate professional opinion. However, as he is retired, he may not have professional liability insurance regarding any 'professional opinion' he may wish to give and he is unlikely to be independent. For the avoidance of doubt, the whole of the description of the Works is deleted and replaced by:

'Arrange for a structural survey of the Property to be completed by an appropriately qualified and insured independent person which adequately assesses the movement found. Once the report has been provided, we will then determine if further works are required to reduce/remove the hazards found.'

Date to start and complete the works

68. The Applicant has not referred in his appeal to any concern regarding the length of time given to complete the works. The remedial works required in the varied Improvement Notices are to be started within 28 days of the service of this Decision on the Applicant and each part of them is to be completed within 4 months of the date of service.

Obiter

69. It would have greatly assisted the Tribunal if the Schedule of Works was formatted to include numbering of each of the items of work for easier reference by all parties, as is the practice in some local authorities. In our experience, such numbering greatly assists in appeals against Improvement Notices and enforcement proceedings pursued in relation to allegations of breaches of Improvement Notices, as reference can more easily be made to which numbered items had or had not been carried out.

Costs

70. Neither party has made an application for costs and we therefore make no costs award.

Appeal

71. If either party is dissatisfied with this decision, they may apply to this Tribunal for permission to appeal to the Upper Tribunal (Lands Chamber). Any such application must be received within 28 days after these written reasons have been sent to the parties and must state the grounds on which they intend to rely in the appeal.

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Judge T N Jackson