



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

Case Reference : BIR/41UB/RTB/2025/0018

Property : 51 Watling Street, Bridgton, Cannock,
WS11 0BL

Applicant : Amanda Sketchley & Peter Wootton

Respondent : Cannock Chase Council

Type of Application : Application under paragraph 11 of
Schedule 5 to the Housing Act 1985 (as
amended) for a determination as to
whether a dwelling house is suitable for
occupation by elderly persons

Tribunal Members : Judge C Rhys
Mr N Wint BSc (Hons) FRICS ACI Arb

Date of Decision : 16 February 2026

DECISION

DECISION

1. The Tribunal determines that Cannock Chase Council **can deny** the Right to Buy by virtue of the provisions of paragraph 11 of Schedule 5 to the Housing Act 1985.

REASONS FOR DECISION

Background

2. Mrs Amanda Sketchley and Mr Peter Wootton (the “**Applicants**”) of 51 Watling Street, Bridgton, Cannock, WS11 0BL (the “**Property**”) live at the Property.
3. From the evidence provided to the tribunal, only Mrs Sketchley is a documented tenant, having become a joint tenant of the Property, with her late father, on 18 June 2018. The landlord of the Property is Cannock Chase Council (the “**Respondent**”).
4. Whilst a copy of the tenancy agreement was not provided to the Tribunal, and the Respondent refers to both applicants in its counter notice, for the purpose of this decision, the ‘legal’ applicant is Mrs Sketchley as the tenant of the Property. However, considering the approach adopted by the parties, this decision will refer to the Applicants.
5. The Applicants made an application to the Respondent under the Right to Buy legislation in the Housing Act 1985 (the “**Act**”) to buy the Property. On 5 August 2025, the Respondent replied with a counter notice in Form RTB2 denying the right to buy by virtue of the provisions of paragraph 11 of Schedule 5 to the Act.
6. The Applicants made an application to the Tribunal on 02 September 2025 for a determination as to whether the Property is suitable for occupation by elderly persons.
7. Directions were issued by the Tribunal on 29 September 2025. The Tribunal received submissions from the Respondent on 17 October 2025 and submissions from the Applicants on 28 October 2025.
8. From the respective submissions, whilst it appeared that there was no dispute regarding either the nature or location of the Property, or any features contained within the Property, the Tribunal determined nonetheless that an inspection was required. The inspection took place on 15 December 2025.
9. Neither party requested an oral hearing, and the Tribunal made its determination based on written submissions received from both parties and the information gleaned during its inspection on 15 December 2025.

The Law

10. The relevant law and provisions in respect of the jurisdiction of the Tribunal are found in Paragraph 11 of Schedule 5 to the Act.

Housing Act 1985

Schedule 5, paragraph 11

“11 (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).

(2) In determining whether a dwelling is particularly suitable, no regard shall be had to the presence of any feature provided by the tenant or a predecessor in title of his.

...

(4) If an application for the purpose is made by the tenant to the appropriate tribunal before the end of the period of 56 days beginning with the service of the landlord’s notice under section 124, the question shall be determined by the appropriate tribunal.

...

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

Submissions

The Applicants’ submissions

9. In their application, the Applicants describe the Property as a *“1930’s brick built bungalow, five rooms, gas boiler”* and states that it is *“0.6 mile to the nearest shop...0.8 miles to Home Bargains...1.2 mile to the nearest Aldi...0.2 mile to the nearest bus stop...”*
10. The application form also refers to various additions made to the Property by the Applicants and/or Mr Ronald Marshall, to include, but not limited to, a *“new bathroom”* and *“flat new lawn...new slabbing”*. In accordance with Schedule 5, paragraph 11(2) of the Housing Act 1985, these additions are disregarded for the purpose of this decision.
11. Within the application form, in support of their position, the Applicants raise concerns as to access to the Property citing *“...two concrete steps which are 6 ½ first step and 7 ¾ inches high, with a handrail either side”* and that the

“...Property is not wheelchair friendly...” and that “There are also two steps going into the garden from a narrow passage and a slight turn, albeit with two grab rails the access/exit is restricted.”

12. The Applicants’ submissions follow a similar vein citing concerns in respect of the *“Entrance steps”, “Garden and Patio”, “Humidity, Mould and Damp”, “Traffic and access to Amenities”*. Included, as appendixes to the submissions are various supporting information, to include, but not limited to, photographs of the Property.
13. The Applicants’ submissions confirmed that the Property was *“...first let by Cannock chase council to Ronald Marshal, 85 years (DOB 06/10/32) and Amanda Sketchley, 56 years (DOB 24/11/61), becoming joint tenants of the property as of 18th June 2018, following a medical assessment, with band 2 medical need being awarded to Mr Marshal.”*
14. No detail is provided as to when Mr Marshal became deceased nor when Mr Wootton began living at the Property. However, the use of the past tense within the Applicants’ application suggests that Mr Marshal died prior to the application being made. The Tribunal’s decision does not turn on this factual information.

The Respondent’s submissions

15. The Respondent’s submissions are limited to a 2 page document, with additional exhibits, produced by Mrs Sarah J Evans, Administrations officer for RTB.
16. Said submissions confirm that the Respondent considered that the property was *“particularly suitable for occupation by elderly persons”*, having regard to its location, size, design, hearing system and other features. In assessing the same, it is unclear whether the Respondent had considered the guidance given in the ODPM Circular 07/2004.
17. The submissions also confirmed that the Property *“...was first let for occupation by a person aged over 60 & was first let before the 1st of January 1990.”* Furthermore, it confirms that Mr Marshal was over the age of 60 when the Property was first let to him, as a joint tenant, on 19 June 2018.
18. Within the submissions, Mrs Evans confirms that the property comprised of two bedrooms, *“all on one level”* and benefits from off-road parking. In addition, Mrs Evans confirms that there are *“2 concrete steps leading to the side entrance of the property which are 6.5 inches and 7.3/4 inches high with a handrail to either side of the entrance.”* and *“there is a step to the rear access with grab rail...”*
19. In relation to heating, Mrs Evans confirmed that the heating system was upgraded on 14 February 2018 to a *“...gas fired...heat only boiler”* with 6 radiators *“...situated in the hallway, kitchen, bathroom, linger, bedroom one & bedroom 2.”* It is unclear as to how the property benefits from hot water, but this is not an issue that was raised by the Applicants, either in writing or during the inspection, and therefore the Tribunal is satisfied that the Property benefits from hot water.

20. In respect of local amenities, Mrs Evans confirmed that the nearest “*convenience store selling basic needs of Bread and Milk is located less than half mile from the Property, being approximately 0.6 miles, taking approximately 4 minutes to walk via a pedestrian crossing.*” The nearest bus stop is “*approximately 0.2 miles*” from the Property and “*The general terrain of the area is generally flat.*”
21. Exhibited to Mrs Evans’ submissions were several documents which included a floor plan of the Property, a Google map screenshots, and a map of the local area indicating the location of the “*shop*” and “*bus stop*”.

The Tribunal’s Inspection

22. As set out above, the tribunal inspected the property on 15 December 2025 and were shown around the Property by Ms Sketchley.
23. Having inspected the Property, and the surrounding area, the Tribunal is satisfied that the physical attributes of the Property and the access to local amenities, are broadly align with the submissions of the parties.
24. In respect of the local “shop” the Tribunal noted that the store is in fact advertised as an ‘off-licence’, however, having briefly inspected the store, the Tribunal was satisfied that it sold basic amenities such as bread and milk.

The Tribunal’s Deliberations

25. The Tribunal considered all the evidence submitted by the parties as briefly summarised above.
26. The Tribunal also considered the guidance contained in the Office of the Deputy Prime Minister’s (ODPM) Circular 07/2004 in light of the decision of the Upper Tribunal in *Milton Keynes Council v Bailey* [2018] UKUT 207 (LC), noting that the Tribunal must, when considering whether a particular property is suitable for occupation by the elderly, assess the characteristics of the property as a whole.
27. The Tribunal did not, as far as it was made aware, consider any improvements made to the Property by the Applicants and/or Mr Marshall.
28. As set out above, whilst the Applicants did not specifically state so, it would seem that the parties agree with the general description of the Property, in so far as the Property is a two-bedroomed property, all on one level, with no internal stairs, gas central heating, with 2 step access to the side of the property, and at least one step access to the rear of the property. Furthermore, both the nearest convenience store and bus stop are within 1 mile of the Property.
29. In any event, having inspected the Property, and the local areas, the Tribunal is satisfied that the description set out in the preceding paragraph is accurate.
30. Whilst significance reliance is placed on the height of the steps by the Applicants, the Tribunal notes that the evidence submitted, as seen during the inspection, details that there are appropriate handrails in place. Furthermore, whilst the

Property is located on a busy main road, there is adequate pavement and pedestrian crossings, and the terrain is relatively flat.

31. Having considered the evidence submitted, and the criteria detailed in paragraph 11(1)(a) of Schedule 5 to the Act, the Tribunal accepts that the Property, when considered as a whole, was particularly suitable for occupation for elderly persons.
32. The Tribunal, also accepted that the Property was let to the Applicants when one of the joint tenants at the time of the letting, being Mr Marshall, was over 60 years of age, as required by paragraph 11(1)(b) of Schedule 5 to the Act (it is not a requirement that both joint tenants must be over 60 years of age), and that the Property was first let before 1 January 1990, as required by paragraph 11 (6) of Schedule 5 to the Act.
33. Accordingly, the Tribunal determined that the Respondent **was able to deny** the right to buy on the grounds set out in paragraph 11 of Schedule 5 to the Act.

Appeal

34. Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision stating the grounds on which that party intends to rely in the appeal.

C Rhys

.....

Judge Rhys

