



First-tier Tribunal
(Property Chamber)
Residential Property

Tribunal Reference: MAN/OOEY/HIN/2025/O610

Judge: Christopher Goodall

Property: 7 Eastgate Barnsley S70 4EP

Applicant: Armstrong Cook Lettings Ltd
Respondent: Barnsley Metropolitan Borough Council

DETERMINATION

1. On 17 January 2025, the Respondent served a declaration under section 255 of the Housing Act 2004 upon the Applicant declaring that the Property was a House in Multiple Occupation ("HMO") ("the HMO Declaration").
2. On 28 January 2025, the Applicant appealed the decision to make the HMO Declaration to this Tribunal, seeking an order that the HMO Declaration be overturned.
3. The Tribunal required the Respondent to provide information to it as is set out in Rule 30(4) to the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 ("the Rules"). That information was provided to the Tribunal by the Respondent on 18 December 2025. In it, the Respondent stated that it did not wish to oppose the Applicant's appeal, following counsel's advice.
4. Rule 9 of the Rules provides that the Tribunal may bar a respondent and summarily determine any issues against that respondent, if the Tribunal considers that there is no reasonable prospect of the Respondent's case succeeding.
5. On the basis that the Respondent's own case is that it does not wish to challenge the appeal, it is clear that there is no reasonable basis to suggest that the appeal would not be likely to succeed.
6. The Tribunal's powers in an appeal under section 255 of the Act are that it may confirm or reverse the declaration, and if it reverses it, it may revoke the HMO Declaration.

7. Accordingly, I reverse and consequently revoke the HMO Declaration. The appeal is allowed.

Signed: C Goodall
Date: 4th February 2026

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