



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

Case Reference : **MAN/00DA/HPO/2025/0614**

Property : **Flat 4, Meridian House, 2 Artist Street,
Leeds LS12 2EW**

Appellant : **Nina Blokhina**

Respondent : **Leeds City Council**

Type of Application : **Housing Act 2004 – Schedule 2 Para. 7(1)**

Tribunal Members : **P. Barber (Tribunal Judge)
J Elliott (Valuer Member)**

DECISION AND REASONS

DECISION

The Appeal is refused.

The Tribunal confirms the PROHIBITION ORDER dated 24 October 2025 in respect to the above property.

The Respondent's demand for enforcement costs under sections 49 and 50 of the Housing Act 2004 is accordingly upheld.

REASONS

Introduction

1. The Appellant is the registered owner of Flat 4, Meridian House, 2 Artist Street, Armley, Leeds LS12 2EW (the Property) and purchased the property in July 2019 for the purposes of renting it in the private rented market. The property has been let on a number of assured shorthold tenancies since the beginning of August 2019.
2. Following an inspection of the Property on the 15 September 2025, the Respondent served a Prohibition Order dated 24 October 2025 on the Appellant. The Prohibition Order was served together with a statement of reasons and a charge for the enforcement action.
3. The Prohibition Order cites one category 2 hazard, in respect to lighting, with two deficiencies giving rise to the hazard, namely a lack of natural light in the bedroom and the size and location of the window in the living room/kitchen, with no meaningful view. No remedial action was thought possible.
4. The Appellant appealed the decision on the following grounds: that the Respondent was not obliged to act in respect of a category 2 hazard; that the assessment of natural light was inadequate and eye strain was unsupported; that the possibility of artificial light was possible and the development had received Building Regulations approval; that the risk of harm was overstated and largely theoretical given that there had been no complaints by tenants; and insufficient regard had been given to the financial consequences on the Appellant, who, we were told, was an elderly lady, dependent on the property as a source of income for her retirement.
5. The Tribunal had a bundle of documents from the Appellant and a bundle of documents from the Respondent. The Appellant did not attend the hearing or give evidence, but she was represented by Counsel, Mr Chaffer. Mr Rafferty, of Counsel appeared on behalf of the Respondent and Tribunal heard evidence from Miss Koskivuori, Principal Housing Standards Officer, who had inspected and prepared the Prohibition Order.

The Legal Framework

6. By virtue of section 4 Housing Act 2004, the Respondent is required to keep housing conditions in its district under review.
7. Where a Category 2 hazard is identified, the local housing authority has a discretionary power to take enforcement action under sections 7 and 9 and Schedule 2 of the Act.
8. In exercising that discretion, the authority must act rationally, proportionately and in accordance with its published Enforcement Policy. The Local Authority, in considering enforcement action will consider the

Housing Health and Safety Rating Scheme (HHSRS) and associated guidance.

9. The Tribunal's jurisdiction on appeal is set out in Schedule 2 paragraph 11, and the Tribunal may confirm, quash or vary the order; it is by way of a re-hearing but the Tribunal may take into account facts known at the time of the hearing, whether or not known to the authority when the order was made.

Findings of Fact

10. The Property is a lower ground floor/basement flat created following a change of use from offices pursuant to a Class O permitted development in 2017. The Property comprises a kitchen/living room area with a small ceiling-height window at pavement level which does not open and provides no eye-level view when seated. The Property has one bedroom served by a light well in the right-hand corner of the ceiling which opens to a recess at street level. The well provides no outlook and no natural ventilation. The bathroom/toilet are located off the bedroom.
11. The Tribunal inspected the Property on the 27 April 2026 at 10am on a relatively bright well-lit day and was satisfied that natural daylight penetration is extremely limited and that as a result, normal domestic tasks cannot reasonably be undertaken without the provision of artificial lighting even during bright daylight. Further the occupier has no meaningful view out of the property when seated, with the associated impact on amenity and wellbeing. The light well provides very little light, and the bedroom cannot reasonably be used during the day without artificial lighting.
12. At the hearing, the Tribunal heard evidence from Miss Koskivuori. We found her evidence to be clear and persuasive. She gave her evidence in a professional and balanced manner, demonstrating a clear understanding of the HHSRS framework and the relevant statutory guidance. Her assessment of the Property was grounded in detailed inspection findings and supported by photographic evidence and worked examples. The Tribunal was particularly assisted by her clear explanation of why artificial lighting could not mitigate the absence of natural light and outlook, and by her measured responses under cross-examination. The Tribunal was satisfied that Ms Koskivuori's conclusions were reached conscientiously, in accordance with established guidance, and was well within the range of reasonable professional judgment open to her.

Reasons Artificial Lighting

13. Counsel for the Appellant placed significant weight on the proposition that the Respondent's assessment focused exclusively on natural light and had insufficient regard to the possibility of artificial lighting citing the existence

of modern lighting solutions which could mitigate risk. Extensive reference was made to professional guidance included within the Respondent's bundle to substantiate this point, suggesting that artificial lighting is relevant to habitability.

14. The Tribunal finds that artificial lighting was not capable, within the HHSRS framework, of remedying the identified hazard and that the assessment was correctly focused on the absence of natural light and outlook. The Tribunal notes that the HHSRS Operating Guidance draws a distinction between artificial lighting necessary to prevent immediate physical injury and the broader impacts arising from a permanent lack of natural light and outlook. The Tribunal therefore accepts the evidence of Miss Koskivuori that artificial lighting cannot compensate for the absence of any meaningful daylight and outside view and that the hazard identified was not merely one of an ability to illuminate the Property, but draws on the wider issues of amenity, outlook and psychological impact.
15. Further, the Tribunal also notes that there was no concrete artificial lighting proposal put forward either prior to or at the hearing by or on behalf of the Appellant and finds that the suggestion of artificial lighting alone as a remedy was speculative and unsupported by reliable evidence.
16. The Tribunal notes that permitted development was authorised at a time when class O prior approval would not have considered the provision of natural light and a local authority could not refuse to sign off building control solely for poor daylight. It follows that a flat could be lawful under planning and building control but still contravene the HHSRS and therefore be substandard for occupation.

Absence of Direct Evidence of Harm or Occupant Vulnerability

17. The Appellant further argues that the assessment was based on a hypothetical vulnerable occupier, that in fact no tenant has complained or been shown to have suffered harm and that the reliance on material relating to depression or SAD is overstated.
18. The Tribunal rejects those propositions. The HHSRS is designed to assess risk over a 12-month period based on probability and severity as opposed to the existence of actual injury. The assessment demands a degree of judgement based on prospective evaluation with the use of a hypothetical vulnerable person mandated within the scheme. We are satisfied that the Respondent's judgement is supported by national and international public health material and was not purely subjective or overly speculative in nature. We note that the bundle contains worked examples and comparator cases; public health (WHO) and medical evidence (NHS guidance), together with professional lighting guidance all of which were considered in reaching the necessary conclusions. In our assessment the conclusions of the Respondent were sound and balanced.

Lesser Enforcement Options

19. The Appellant contends that a Hazard Awareness Notice or Improvement Notice should have been preferred over a Prohibition Order and that the Respondent could have engaged more with the Appellant in terms of spelling out mitigation routes in the statutory notice itself.
20. Having inspected the property and heard submissions on the point, the Tribunal is satisfied that a Hazard Awareness Notice would have been ineffective, it is non-enforceable and would have been an insufficient remedy. Further, whilst an improvement notice was considered, it was rightly rejected due to the lack of any viable works to remedy the hazard. In the Tribunal's judgement, the location of the flat beneath a public footpath precluded any works which might enlarge the window, add an additional window and such-like and internal works would have been purely cosmetic in nature and would not have materially addressed the hazard. Further, the Tribunal notes that the Appellant has made no concrete mitigation proposals following service of the notice or prior to the hearing.

Financial Impact on the Appellant

21. The Appellant relies upon her age and the fact that she relies on rental income to support her retirement, thus invoking Article 1 of Protocol 1 of the Schedule 1. It was submitted that the Prohibition Order constituted excessive interference with property rights.
22. The Tribunal has considerable sympathy for the position the Appellant finds herself in and this issue was specifically canvassed during the hearing. However, her property rights do not take precedence over the obligations of the Respondent in administering the HHSRS and the associated statutory schemes. In the Tribunal's judgement, the service of the Prohibition Order pursues a legitimate aim and is in accordance with the law, striking a fair balance between the Appellant's individual rights and the public interest in maintaining housing standards and reducing risk to occupiers of substandard accommodation. In short, the Tribunal is satisfied that the protection of occupier health is a legitimate statutory objective; that the interference is proportionate given the nature of the hazard. The financial impact on the Appellant cannot render the service of a Prohibition Order unlawful.

Signed



Dated 27 April 2026

Phillip Barber, Judge of the First-tier Tribunal