



FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)

Case Reference : MAN/30UE/HIN/2026/0008

Property : 9 Victoria Street, Wheelton, Chorley

Appellant : JIGSAW HOME LTD

Respondent : CHORLEY COUNCIL

Type of Application : Housing Act 2004 – Schedule 1, Paragraph
10(1) – Improvement Notice

Tribunal Members : Tribunal Judge Barber
Mr A Hossain (Valuer Member)

Date of Decision : 08 September 2026

DECISION AND REASONS

Decision

1. The Tribunal confirms the Improvement Notice dated 22 January 2026. Subject to the Tribunal's findings of fact set out below the notice was correct when served, notwithstanding the later completion of the works. The charge of £406.80 remains payable.

Reasons

Background

2. 9 Victoria Street, Wheelton, Chorley, PR6 8HG is a three-bedroom mid-terrace house, believed to have been constructed before 1920. The Council's inspection records describe it as a traditional terraced dwelling with solid stone walls, UPVC doors and windows, a living room and kitchen on the ground floor, two bedrooms and a bathroom on the first floor, and a converted attic bedroom with an en-suite bathroom. The occupier is Bernadette Griffiths, who has lived at the property since August 2018 as a tenant of Jigsaw Homes Group Limited, a registered provider of social housing.
3. The tenant complained to the Respondent that the property had been excessively cold for several years and that the conditions were affecting her health. The Council inspected the property on 14 January 2026.
4. Following the inspection, the Respondent carried out an HHSRS assessment and identified three hazards. The principal hazard was Excess Cold, which was assessed as a Category 1 Hazard with a score of 32,747 (Band A). The Council found that there was only one radiator serving the ground floor, the kitchen radiator had been removed, there was significant heat loss through an unused chimney/fireplace, and drafts were entering around the front and rear doors.
5. The Council also identified two Category 2 hazards. The first was Damp and Mould Growth arising from damp staining in the loft bedroom and concerns that raised lead flashing around the chimney stack was allowing water ingress. The second was Structural Collapse and Falling Elements, based on cracking and deterioration in mortar and masonry observed during the inspection, particularly around the staircase and chimney area. We were told at the hearing that this was due to building works next door.

The Legislative Background

6. It is generally unnecessary for the Tribunal to rehearse the legislative background to this application as both parties to this appeal are fully conversant with the legislative provisions underpinning the Respondent's

responsibility to access and assess properties in its administrative region for the purpose of health and safety in cases where it has reasonable cause to believe a hazard exists in relation to that property. The Respondent is a local housing authority, and the Appellant is a large and experienced social landlord.

7. Generally, Chapter 1 of Part 1 of the Housing Act 2004 (the “Act”) established a scheme known as the Housing Health and Safety Rating System (HHSRS) against which a Local Authority is to consider the standard of amenities and accommodation present in privately rented properties. Section 3 of that Act places a responsibility on a local housing authority to review housing conditions in their district and to carry out inspections for the purposes of that responsibility. If such an inspection identifies either a category 1 hazard, the housing authority must take appropriate action, which includes the service of an improvement notice under section 11 of the Act and/or a prohibition order under section 20. In relation to category 2 hazards, the local housing authority may serve an improvement notice.
8. Section 13 of the Act sets out the required contents of an improvement notice, and we are satisfied that the improvement notice, the subject of this appeal, complies with the requirements of that section.
9. Part 3 of Schedule 1 to the Act provides that a person upon whom an improvement notice is served may appeal to the Tribunal and paragraph 15 of Schedule 1 provides that the appeal is to be by way of a re-hearing and under paragraph 16, the Tribunal may confirm, quash, or vary the improvement notice.

Our Findings of Fact

10. We did not inspect the property, but we heard evidence and submissions from Mr O'Brien on behalf of the Appellant and Mr Ward on behalf of the Respondent. The position was generally agreed by the parties, and we were told that works had been carried out by the Appellant in March 2026 after the service of the notice to remedy the identified defects. The radiator had been replaced; a balloon had been fitted in the chimney to prevent cold and drafts and the sealing around the external door had been repaired and replaced. Works had therefore been completed to remedy the category 1 hazards. In relation to the category 2 hazards, we were told that the eaves in the attic storage areas had been topped up and that further measures had not been taken to the roof as that would have reduced ceiling height. Mr Ward confirmed that these works, if evidenced, would have remedied the defects and complied with the notice but he didn't check the inside of the chimney when he visited in April as he was not informed about the balloon and the tenant did not mention it. In relation to the structural issues, we were told this stemmed from works carried out to a neighbouring property

and it was included in the notice as it was present at the inspection but we noted that Mr Ward would not have proceeded in raising this as an issue in the absence of a category 1 hazard and no further works were required.

11. It is apparent that largely the case had proceeded due to a lack of communication between the parties. Had the Council been notified at the relevant time that the above works had been carried out, this appeal hearing may well have been unnecessary. Mr Ward's view was that the appeal was ostensibly running on the basis of the recoverability of the Council's costs.
12. Mr O'Brien accepted the position and the parties in the main agreed that it would be appropriate for the improvement notice to be upheld and for suitable evidence to be sent to the Respondent by the Appellant confirming the works. The Tribunal's task is to determine whether the Improvement Notice was justified when served. The subsequent completion of works does not demonstrate that the notice was wrongly served. Rather, the evidence before the Tribunal supports the conclusion that the identified hazards existed at the relevant date and that the notice was an appropriate response.
13. The Tribunal finds that the Improvement Notice was properly served. The Council was entitled to take enforcement action in respect of the Category 1 Excess Cold hazard identified at the property. In those circumstances, and there being no substantive challenge to either the Council's charging policy or the amount charged, the Tribunal was not persuaded that there was any basis upon which the administrative charge should be reduced or disallowed and the administrative charge of £406.80 remains payable.
14. The appeal was therefore dismissed.

Signed 

Phillip Barber

Judge of the First-tier Tribunal