



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

Case reference : **LON/00AY/HIN/2026/0004**

Property : **138C Knights Hill, London SE27 0SR**

Applicant : **Stephen Richard Walsh**

Representative : **I/P**

Respondent : **London Borough of Lambeth**

Representative : **Angelica Chevelleau EHO**

Type of application : **Appeal against an improvement notice**

Tribunal members : **Judge Tagliavini**

Venue : **10 Alfred Place, London WC1E 7LR**

Date of hearing : **8 September 2026**
Date of decision : **7 October 2026**

DECISION

Decisions of the tribunal

1. The tribunal confirms the decision to serve on the applicant the Improvement Notice dated 3 October 2025 as varied on 16 December 2025.
 2. The tribunal dismisses the applicant's appeal
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The application

1. This is an appeal in respect of the making of an Improvement Notice pursuant to ss.11/12 and paragraphs 10-12 of Schedule 11 of the Housing Act 2004.

The background

2. The subject property at **138C Knights Hill, London SE27 0SR** ('the property') is located on the ground floor of a three-storey converted house and comprises a communal living room at the rear of the property, one bedroom located at the front of the property and one bathroom located on the central landing and a kitchen at the front of the property.
3. On 3 October 25 the respondent served the Improvement Notice and effective from 6 October 2025 on the applicant requiring him to . On an extension of time was granted at the applicant's request, in order to carry out the works specified in Schedule 2.

The issues

4. The basis of the appeal is that the respondent was aware the applicant was unable to gain access to the property, despite attempts to do so, and did not assist in this, despite apparently agreeing to do so. The applicant considers the Improvement Notice to have been premature, unreasonable and disproportionate in the circumstances.
5. The applicant informed the tribunal that he did not take issue with the categorisation of the identified hazards.

The hearing

6. At the oral hearing, the applicant represented himself and the respondent was represented by Angelica Chevelleau EHO. The tribunal was provided with a hearing bundle of 88 digital pages and a 1 page Reply together with a separate index. The respondent relied upon a bundle of 974 digital pages.

7. In addition to the written evidence provided in the hearing bundles, the tribunal also heard evidence from Mr Walsh and Ms Chevellean. In her witness statements, Ms Chevellean set out in details the chronology of event

The tribunal's decision

8. In determining this appeal the tribunal is required to consider whether the decision under appeal was wrong as at the date it was made ie: whether the respondent was wrong to serve the Notice it did, when it did. In determining this question the tribunal is required to examine the evidence that led up to the decision and cannot take into account that any works carried since that date, undermines the validity of that decision; *Manaque Company Limited v London Borough of Camden* [2025] UKUT 97 (LC).
9. The tribunal finds the chronology of the matters leading up to the service of the Improvement notice are as follows:
- (i) *On 10 October 2024, the Authority received a formal on-line complaint's form from the current tenant, of the premises.*
 - (ii) *On 15 October 2024, a land registry search was obtained, which shows that the freehold owner is STEPHEN RICHARD WALSH.*
 - (iii) *On 2 May 2025, a Section 239 Notice and covering letter was sent via 1st class postal services to STEPHEN RICHARD Walsh, A copy was sent to the tenant.*
 - (iv) *On 8 May 2025, Ms Chevellean visited the property to carry out an overcrowding inspection.*
 - (v) *On 8 May 2025, photographic evidence was taken of the deficiencies identified during the inspection.*
 - (vi) *On 24 Jun 2025, Ms Chevellean identified the hazards, damp and mould; fire and entry by intruder all of which were assessed under Health Housing & Safety Rating System calculations (HHSRS In addition, the hazards relating to personal hygiene and drainage and falls on stairs, were identified and assessed under the HHSRS.*
 - (vii) *On 2 October 2025, communication made, telephone call was made to the owner to chase up for an update, there was no answer so a message was left.*
 - (viii) *On 2 October 2025, I received a telephone call from Stephen Anthony Welsh advised he is trying to gain access into the property to undertake some of the repair works.*

- (ix) *Further communication between the tenant and landlord was submitted to the Council.*
 - (x) *On 3 October 2026, a Section 11 & 12 Improvement Notice was served on Stephen Richard Welsh.*
 - (xi) *On 20 October 2025, A Section 49 Demand for Payment, was served on Stephen Richard Welsh.*
 - (xii) *On 20 October 2025, an invoice was sent for the attention of Stephen Richard Welsh.*
 - (xiii) *On 22 October 2025, the respondent received correspondence from Stephen Richard Welsh requesting a breakdown of the invoice.*
 - (xiv) *On 22 October 2025, a reply was to Stephen Richard Welsh confirming the breakdown of the Authority's incurred costs serving the Section 49 Notice.*
 - (xv) *On 14 November 2025, a re-inspection was undertaken at the property in response to representation received. On the day of the compliance inspection, there was evidence of remedial works carried out since the initial inspection*
 - (xvi) *On the 14 November 2025, following the compliance visit, Ms Chevelleau telephoned Stephen Richard Welsh, and discussed the findings of the compliance inspection, particularly the damp and mould issues which had partially been resolved. It was agreed to vary the Improvement Notice. However, the remaining hazards were still present, and Mr Welsh did agree to carry out the required works.*
 - (xvii) *On 19 November 2025, the Council received emails (copied in) between Mr Walsh and the tenant concerning further disrepair at the property.*
 - (xviii) *On 16 December 2025, a Section 16 Variation of an Improvement Notice was served on Stephen Richard Welsh.*
 - (xix) *On 16 December 2025, notification of the appeal by Stephen Richard Welsh was received.*
10. Having had regard to the documentary, photographic and oral evidence of Ms Chevelleau the tribunal is satisfied on the balance of probabilities that the hazards identified on the initial inspection and reinspection existed and that these hazards have been properly identified and assessed.

11. The tribunal finds the respondent entered the information gathered at the inspection and reinspection and correctly inputted this information for the generation of a HHSR Automatic Score Sheet. Subsequently, the Improvement notice identified the Damo and Mould as a Category 1 Band C hazard; the falls of stairs hazard as Category 2 Band E; the fire hazard as Category 2 Band D; the entry by intruder hazard as Category 2 Band D and the personal hygiene, sanitation and drainage hazard as Category 2 – Band F.
12. The tribunal finds there had been communication made between the applicant and the respondent but does not accept that Mr Walsh was led to believe that the respondent would arrange for the carrying out of the redial works. The tribunal accepts the tenant in occupation clearly state her reluctance to deal directly with the applicant, but nevertheless it remained the applicant's obligation to gain access and carry out the repairs to the property either directly or through his builder who was able to access the property.
13. The tribunal finds the service of the Notice of Improvement dated 3 October 2025 was a carefully considered action as set out in the 'Statement of reasons for the decision to take Enforcement Act that accompanied the Improvement notice. Further, the tribunal finds the applicant was given ample time to carry out works as the Notice was served only after months had passed since the initial inspection was carried out on 8 May 2025 and during which period the applicant was aware of problems in the subject property since 2xJanuary 2024 as an email from Willam Radford HMO Licencing Officer stated:

There are a number of matters that need attention, namely holes to kitchen ceiling, wall units coming away from the wall, and dampness and mould growth throughout. I was told that there is no loft insulation in place which, in itself will lead to heat loss and increase the likelihood of mould growth arising. I have since been told that due to a boiler leak that there is no hot water in the flat and that other flats within the building have had their electric supply disconnected. Please be advised that you are required to inform me whether you intend to deal with these matters, and with regards to the boiler leak, as a matter of urgency.

14. The tribunal finds that by 3 July 2025, the applicant could have been in no doubt of the condition of the property and the likelihood of enforcement action, as the respondent informed him that:

Housing condition/disrepair

On 10th October 2024 we received a complaint regarding the conditions at the above property which we understand you own and/or manage. I understand that the following may have been reported to you:

1> Hole in the kitchen ceiling

1> Damp and mould in the first floor rear bedroom

1> Faulty door lock on the external front entrance door

The Council have opened an enforcement investigation into this matter. Before we instigate any formal action, we invite you to contact us within 7 calendar days of this letter to detail which actions you will take to address the alleged issues (where applicable). Any evidence of address should be corroborated with as much detail, works schedule, photos or works invoice where possible.

In the event we do not receive a response to this letter or an unsatisfactory response, arrangements will be made to visit the property with a view to carrying out a full inspection under the provisions of the Housing Act 2004.

Notable defects and/or deficiencies found during the inspection, including those mentioned above, will be risk assessed under the Housing Act 2004's Housing Health and Safety Rating System. The risk assessment will determine if any course of enforcement action under the Housing Act 2004 is appropriate to address the defects/deficiencies. This may result in the service of formal enforcement notices on the person(s) in control of the property...

15. The tribunal finds the applicant was in communication with the tenant as he stated in reply to the respondent:

We are in receipt of your letter dated 3rd July 2025 and we are in communication with the tenant to find out what the latest is as we thought everything had been sorted apart from the lock on the front door, which occurred last week

16. The tribunal accepts the applicant made some effort in July 2025 to gain access to the property by sending emails requesting information and access. However, despite being notified by Ms Chevelleau on 16 July 2025 that:

Please note, the tenant is feeling stressed out therefore, all communications to be via myself the EH Officer

And

I called Angelique on the 2nd October and she had called me a couple of days earlier but on a different number to the one that I had for her so I called her twice on the 2nd October – pnce (sic)

to each number and we managed to discuss further. I asked her why, rather than engaging time and resources from the Council that funded by taxpayers, that she didn't encourage Nadia to allow us in to do the necessary works because we have been trying to do so. We have called to say that we were dropping another dehumidifier off and she was abusive the tradesman. We arranged for a contractor to carry out the necessary works and she was similarly objectionable to him and refused to allow anybody into the flat. My discussion with Angelique yesterday was why she didn't spend more time trying to encourage Nadia to be more reasonable and allow us in to do the repairs rather than ticking boxes...

17. Notwithstanding these communications and the difficulties, the applicant made no direct or specific requests for access via Ms Chevellean or notify the tenant of the dates he expected admission having provided reasonable notice of his visit. Consequently, the tribunal finds that the applicant was content to let matters 'drift' and only focused on carrying out the necessary works and completing them with little apparent difficulties with access.
18. Further, the tribunal finds the applicant was able to gain access to the subject property to carry out works to remedy the damp and mould and thereafter the other identified hazards, with apparent little difficulty.
19. In conclusion the tribunal finds the respondent correctly identified a number of hazards at the property. The tribunal also finds that the service of the Improvement Notice only after having allowed a reasonable period for the applicant to have carried out works, was reasonable and appropriate on the evidence available to the respondent. In any event, where a category 1 hazard has been identified the respondent had a duty to consider the service of a Notice of Improvement; s.11 Housing Act 2004 (see Appendix I)
20. The tribunal is also satisfied, that without the service of the Improvement Notice, the applicant would have continued to rely on the excuse of 'lack of access' by the tenant as the reason for his failure to take any effective measures to ensure access to the property was provided and that the hazards were remedied. The tribunal finds the respondent was within its powers to decide to serve a Notice of Improvement requiring the remedy of the category 2 hazards identified, (s.12 Housing Act 2002 (see Appendix I).
21. Therefore, the tribunal finds the respondent at all times acted reasonably and appropriately in deciding to serve on the applicant, the Improvement Notice dated 3 October 2025 as varied on 16 December 2025.
22. In conclusion, the tribunal dismisses the applicant's appeal.

Name: Judge Tagliavini

Date: 7 October 2026

Rights of appeal

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber), then a written application for permission must be made to the First-tier Tribunal at the regional office which has been dealing with the case.

The application for permission to appeal must arrive at the regional office within 28 days after the tribunal sends written reasons for the decision to the person making the application.

If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed, despite not being within the time limit.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e. give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).

Appendix I

11Improvement notices relating to category 1 hazards: duty of authority to serve notice

(1)If—

(a)the local housing authority are satisfied that a category 1 hazard exists on any residential premises, and

(b)no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

serving an improvement notice under this section in respect of the hazard is a course of action available to the authority in relation to the hazard for the purposes of section 5 (category 1 hazards: general duty to take enforcement action).

(2)An improvement notice under this section is a notice requiring the person on whom it is served to take such remedial action in respect of the hazard concerned as is specified in the notice in accordance with subsections (3) to (5) and section 13.

(3)The notice may require remedial action to be taken in relation to the following premises—

(a)if the residential premises on which the hazard exists are a dwelling or HMO which is not a flat, it may require such action to be taken in relation to the dwelling or HMO;

(b)if those premises are one or more flats, it may require such action to be taken in relation to the building containing the flat or flats (or any part of the building) or any external common parts;

(c)if those premises are the common parts of a building containing one or more flats, it may require such action to be taken in relation to the building (or any part of the building) or any external common parts.

Paragraphs (b) and (c) are subject to subsection (4).

(4)The notice may not, by virtue of subsection (3)(b) or (c), require any remedial action to be taken in relation to any part of the building or its external common parts that is not included in any residential premises on which the hazard exists, unless the authority are satisfied—

(a)that the deficiency from which the hazard arises is situated there, and

(b)that it is necessary for the action to be so taken in order to protect the health or safety of any actual or potential occupiers of one or more of the flats.

(5)The remedial action required to be taken by the notice —

(a)must, as a minimum, be such as to ensure that the hazard ceases to be a category 1 hazard; but

(b)may extend beyond such action.

(6)An improvement notice under this section may relate to more than one category 1 hazard on the same premises or in the same building containing one or more flats.

(7)The operation of an improvement notice under this section may be suspended in accordance with section 14.

(8)In this Part “remedial action”, in relation to a hazard, means action (whether in the form of carrying out works or otherwise) which, in the opinion of the local housing authority, will remove or reduce the hazard.

12Improvement notices relating to category 2 hazards: power of authority to serve notice

(1)If—

(a)the local housing authority are satisfied that a category 2 hazard exists on any residential premises, and

(b)no management order is in force in relation to the premises under Chapter 1 or 2 of Part 4,

the authority may serve an improvement notice under this section in respect of the hazard.

(2)An improvement notice under this section is a notice requiring the person on whom it is served to take such remedial action in respect of the hazard concerned as is specified in the notice in accordance with subsection (3) and section 13.

(3)Subsections (3) and (4) of section 11 apply to an improvement notice under this section as they apply to one under that section.

(4)An improvement notice under this section may relate to more than one category 2 hazard on the same premises or in the same building containing one or more flats.

(5)An improvement notice under this section may be combined in one document with a notice under section 11 where they require remedial action to be taken in relation to the same premises.

(6)The operation of an improvement notice under this section may be suspended in accordance with section 14.