

Chawa v Kensington and Chelsea RLBC

Central London County Court, 19 July 2011

Ms Chawa and her 11-year-old son lived in a privately rented studio flat. She applied for homelessness assistance under HA 1996 Part 7 but the council decided that, notwithstanding the overcrowding, it was reasonable for her to continue to occupy the flat: HA 1996 s175(3). The reviewing officer upheld that decision, having taken into account general housing circumstances in the area (HA 1996 s177(2)), most particularly the number of households on the council's waiting list with even more acute overcrowding.

HHJ Hand allowed an appeal. While it was open to a reviewing officer to draw on his/her experience with overcrowding in the council's area as part of the 'general housing circumstances', it was not permissible to conduct a comparative exercise and decide that the property was reasonable for the applicant to continue to occupy because 'there are others who are worse off than you'. This was particularly so when the comparators were those on the housing register who were, by definition, in the most housing need.