

required to be made with the view of improving the well-being of children, to include physical, mental, emotional, social and economic well-being. The Appellant presented a detailed, well-argued written submission on this, the basis of his appeal.

5. The Regulations do not envisage an accommodation of issues such as these. The question, therefore, was whether, the Human Rights Act argument existed and, if so, whether the Regulations should be read subject to those rights as domestic legislation must not be incompatible with the imperatives of the Human Rights Act.
6. It would have been possible to simply approach this appeal on the basis that the Regulations do not envisage a need for an additional bedroom to accommodate the appellant's daughter in the circumstances of this case, that is, having regard to the right to family life of both the Appellant and his daughter.
7. However, the submission put forward by the Appellant was a compelling submission.
8. The Tribunal accepted, too, that it was possible for a person to be resident in more than one place at a time, as found in *AM v. Secretary of State for Work and Pensions* [2011] UKUT 387 (AAC). The Tribunal found, as a fact, that the both the Appellant's property and the property of his ex-partner, both constituted a home for the Appellant's daughter and that the Appellant's home could not be regarded merely as a place where the Appellant's daughter transiently or temporarily resided. That this should be held to be so was crucial to the well-being of the Appellant's daughter, a child.
9. Significantly, the Respondent endorsed the findings of 'The Fathers' Engagement Project. To find that the Appellant is not entitled to an additional bedroom to accommodate the Appellant's ongoing engagement with his daughter directly undermines the findings of that Project.
10. Accordingly, the Tribunal found that the Regulations had to be read subject to the imperatives dictated by Article 1, Protocol 1, Article 8 and Article 14 of the ECHR, to the effect that, in the circumstances of this appeal, the Appellant was entitled to an additional bedroom to accommodate his daughter staying overnight with him.
11. Accordingly, this appeal was allowed.

It is intended that this Decision Notice contains the full Statement of Reasons for the Tribunal's decision, pursuant to Rule 34 of the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008.

Signed Tribunal Judge: D J McMahon	Date: 13/02/2014
Decision Notice issued to	
Appellant on:	
Respondent on:	