

Meet the cladiator who took on his developer over fire safety — and won

How a homeowner with a full-time job, a child on the way and no legal training fought a £3.7 million bill



Arjun Batish with his wife, Eleanor, and baby son, Arthur, at their flat in Sutton, south London
PETER TARRY FOR THE TIMES

Ruth Bloomfield

Friday March 31 2023, 12.01am BST, The Times

For the past six years the victims of Britain's cladding crisis have often been just that: helpless casualties of housebuilder ineptitude and governmental mismanagement.

But when Arjun Batish found himself caught up in the crisis — and was charged £18,000 to fix fire safety flaws at his southwest London flat — he was determined not to lie down and take it.

Despite a complete lack of legal training and while juggling a full-time job and the arrival of his first child, Batish, 32, led a challenge against the charges — and won.

The First-Tier Tribunal Property Chamber, which handles property disputes, ordered Inspired Sutton, the developer and freeholder of the building, to repay almost £200,000, which Batish and 14 neighbours had paid to help fund the stripping of flammable cladding from their building and to replace its dangerous balconies.

However, victory is not tasting quite as sweet as it should.

Despite the test case judgment Batish, who works in finance, his wife, Eleanor, 32, and their 12-week-old son, Arthur, remain trapped within the complex jumble of regulations and recommendations that have proliferated in the years following the Grenfell Tower disaster.

“What really makes my blood boil is that . . . [housebuilders] . . . are in this for the money and they have no incentive to do the right thing,” he says. “But these are people’s homes and lives they are dealing with.”



The converted office building in Sutton (with scaffolding) where the couple live
PETER TARRY

Batish and Eleanor, who works in human resources, met in 2018 after Batish spent £360,000 on a one-bedroom flat in a recently converted former office building in Sutton, south London. Eleanor

had bought a smaller one-bedroom flat in the same building for £270,000 the previous year.

Love blossomed after they met at a meeting of residents hosted at a neighbour's flat to discuss problems with the building's hot water supply.

Their first hint that they also had a fire safety problem came in late 2019, when the residents learnt that Inspired Asset Management, Inspired Sutton's parent company, had gone into administration.

At a meeting held at a nearby school hall representatives of MHA MacIntyre Hudson, the administrators, dropped a bombshell on the leaseholders. Initial surveys suggested the building had sections of ACM and HPL cladding that needed to be removed; the building would then have to be re-rendered. And its balconies, with their timber decked floors and timber joists, also represented a fire hazard and therefore needed to be removed and rebuilt.

"They just dropped all this on us," Batish says. "I didn't know what to think, apart from that it was going to be expensive."

Later investigations revealed further problems with the building's design. During its conversion it had increased from 9 to 11 storeys. But the dry riser — a pipe running up the inside of the building that firefighters can tap into to use as a pressurised water system — only reaches up to the ninth floor. And a car parking space is installed right in front of it.

"It meant that if there was a fire, the fire brigade wouldn't be able to get close enough to the building and it would just have to burn down," Batish explains.

According to the tribunal's decision notice, dated January 13, a government grant had covered the cost of removing the cladding (£1.022 million) but not the whole project, including balcony replacement (£388,000). The final bill — including "overheads", professional fees, VAT and "other costs" — came to an estimated £3.7 million.

Batish's share of the work, which was not covered by the grant, was added to his service charges and came in at £22,000. Eleanor has paid an extra £11,000 for her flat.

Work began in early 2020. "We were told it would take 12 months — it is still not finished and we are three years in," Batish says. "They say it will be done by April, but who knows?"

A couple of months later Batish had his lightbulb moment. He stumbled across a news report about the Building Safety Act, which gave leaseholders the right — under certain circumstances — to force freeholders to repay money paid out on fire safety measures.

The act is a monster of a document, 229 pages of densely worded legal detail plus 11 weighty addenda. Batish dived straight into it and was quickly convinced that he and his neighbours could get their money back. "The act basically says that leaseholders don't have to pay for any fire safety works, not just cladding," he says.

Hiring a lawyer to make their case wasn't an option — one firm quoted £120,000 — so Batish decided to take it on himself.

"We had obviously managed to pay the extra charges but it was not an insignificant sum and it was more the principle," he says. "The way they had dealt with the people who live in building, the communication, was incredibly poor. Stumbling across the act sort of sated my rage. I knew I was right."



Over the next couple of weeks Batish put together an initial application to the tribunal, working at weekends and late into the night to make sure he had fully understood the legislation. “Luckily I am not necessarily someone who needs a huge amount of sleep,” he says.

Batish told his neighbours what he was doing and invited them to join the case. Including Eleanor, another 14 households accepted the offer. The others, Batish suspects, were either too worn out with the stress of long-term building works or too dubious about the David and Goliath task ahead to want to go to the trouble of getting together the necessary paperwork in time.

In August 2022 Batish sailed through a preliminary hearing and a second hearing was scheduled for the autumn to go through the finer details.

Eleanor, meanwhile, had a project of her own. The couple had married in May 2022 and a few weeks before the wedding they had discovered, joyfully, that she was pregnant.

But while Batish worked into the night preparing for the hearing, Eleanor had a health scare — she was hospitalised, suffering from high blood pressure, and diagnosed with pre-eclampsia, a disorder of pregnancy.

When she returned home she was under strict instructions to rest and avoid stress.

Unfortunately within a few weeks she and Batish were told they needed to vacate his flat to allow the builders access to the external walls. In October 2022 they moved into Eleanor’s small flat but it was clearly not a long-term solution for the growing family.

So they packed their bags and moved again, into a £1,900 a month rented house nearby, and were just settling in when, in early November, Eleanor’s blood pressure spiked again. She was returned to hospital and Arthur was born three weeks early, delivered by caesarean section on November 24.

Eleanor is convinced that all the upheaval of the remediation work contributed to Arthur’s early arrival. “I was really stressed, really worried,” she says. “For a long time I had no idea where I was going to bring my baby home to, and that is a scary thing when you are a first-time mum. The case took up a lot of Arjun’s time and mental energy, and that was time we would otherwise have spent together.”

Just before Christmas, Batish took a break from nappy changing and night feeds to set out the leaseholders’ case at the second hearing. And at the start of the year the tribunal ruled in his favour, ordering that the freeholder repay £194,680.62 to the group of residents.

However, even if the work is completed in April as promised, Batish, Eleanor and Arthur are still not free.

Both flats were bought using the government's Help to Buy scheme, which is administered by Homes England.

It will not allow homes to be sold on until remediation work is complete and a specialist fire safety check has been carried out. Which leaves Batish and Eleanor saddled with two flats they can't sell — both are rented out and are just about covering mortgage costs — and paying rent every month.

“In normal circumstances we would have sold one or both of the flats when we got engaged,” Eleanor says. “If none of this had happened we would be living in our own place by now.”