



The
University
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Sheffield.

‘Home Truths’: A socio-legal exploration of the private rental sector and the home experiences of Generation Rent¹

By:

Molly Matthewman

**A thesis submitted in partial fulfilment of the requirements for the degree of
Doctor of Philosophy**

**University of Sheffield
Faculty of Social Sciences
School of Law**

October 2019

Acknowledgements

I would like to take this opportunity to thank my supervisors, Professor Sarah Blandy and Dr Ting Xu for their guidance and interest throughout my PhD. Your support has been invaluable.

Thank you also to Dr Maggie Wykes for your supervision towards the end of my thesis; your fresh insights were much appreciated.

I would also like to thank my research participants for their time and enthusiasm.

Finally, thank you to all my family and friends for your continued support throughout my PhD.

Abstract

My thesis explores the legal concept of home and the experiences of private rental sector tenants in England. 'Home' is difficult to define, despite the extensive literature on the topic. My thesis analyses the cross-disciplinary approach to home and identifies its core themes. Legal scholarship on the topic is largely absent, especially in relation to private tenants. The term 'home' does feature in contemporary legislation, albeit undefined. Rather, the legal conceptualisation is an accumulation of decades of policy, legislation and case law. My thesis analyses its development and bridges some of the gaps in the scholarship.

My examination of private rental sector legislation and case law from the last 100 years reveals a nuanced conceptualisation of home that is reflective of the broader scholarship. However, contemporary legislation acts as a disjoint. Assured shorthold tenancies and s.21 eviction notices under the Housing Act 1988 mean that tenants have little control and limited security of tenure. My empirical findings suggest that private tenants experience lesser versions of home. This is problematic as 19.5% of households in England privately rent, and the sector continues to grow.

My empirical research focuses on a sub-set of Generation Rent, defined as private tenants aged 18-35 that aspire to homeownership but are financially unable to do so. In my thesis, this group is referred to as Generation Rent¹. Their aspirations of homeownership offer an interesting perspective on the tenant home. My analysis highlights a condition I have termed the 'Janus Syndrome', an original contribution to the scholarship. My participants' aspirations for their future homes and nostalgia for their childhood home causes a lack of engagement with their current homes.

My analysis of the three perspectives of home (cross-disciplinary, legal and individual) produces fresh insights into the meaning of home and the role of law in experiencing home.

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Part A

Introductory Section

1. Introduction

‘For there we loved, and where we love is home / Home that our feet may leave, but not our hearts [...].’

~ Oliver Wendell Holmes Sr¹

Overview

‘Home’ is a complicated term, with both physical and emotional connotations.² It is difficult to define, despite the extensive literature on the topic produced by many different academic disciplines.³ These include psychology, sociology, economics, anthropology, geography, urban studies and housing studies. However, legal scholarship on the topic is largely absent. Consequently, there can be no truly comprehensive cross-disciplinary definition of home; law is an intrinsic part of society and should be part of the broader home narrative.⁴ Legislation and case law decisions impact the experience of home, and vice versa.⁵ Galligan suggests that social relations are ‘reinforced and...further secured by law’ but supports Bentham’s claim that ‘society uses law to achieve whatever goals it wants and has to achieve’⁶. Cotterrell believes in ‘law’s constitutive power’⁷ and suggests that ‘law and the social are *mutually* constituting, [in] that law gains its meaning and ultimate authority from the social at the same time as it shapes the social through its regulatory force’⁸. I also perceive law as a social construct, and one that in turn impacts society. As the home is a fundamental part of society⁹, it influences and is influenced by law. It is therefore important for legal scholars to explore the legal concept of home and contribute to the cross-disciplinary understanding.

In 2007, Fox O’Mahony argued that there is no clear concept of home in the English legal system.¹⁰ Since then, little to no legal research has been conducted to challenge her argument. This means that the legal scholarship is not only underrepresented, but also undermines its own contribution. Claiming there is no clear legal concept of home challenges

¹ Oliver Wendell Holmes Senior, *Homesick in Heaven*, available at: <https://www.poetrynook.com/poet/oliver-wendell-holmes> [accessed July 2019]

² See, for example: L. C. Manzo (2003), ‘Beyond house and haven: toward a re-visioning of emotional relationships with places’, *Journal of Environmental Psychology*, Vol.23(1), pp.47-61

³ See Chapter 2

⁴ D. N. Schiff (1976), ‘Socio-legal theory: social structure and law’, *Modern Law Review*, Vol.39(3), pp.287-310

⁵ R. Cotterrell (2006), *Law, Culture and Society* (Ashgate: London)

⁶ D. J. Galligan (2006), *Law in Modern Society* (Clarendon Law Series), p.1

⁷ Cotterrell (2006), p.25

⁸ *Ibid*

⁹ See: S. Mallett (2004), ‘Understanding Home: A Critical Review of the Literature’, *Sociological Review*, Vol.52 pp.62-89

¹⁰ L. Fox O’Mahony (2007), *Conceptualising Home: Theories, Law and Policies* (Oxford: Hart Publishing)

the legitimacy of the legal contribution to the cross-disciplinary understanding of home. The claim is also based on an incomplete analysis; Fox O'Mahony's research focuses almost exclusively on homeownership, neglecting all other tenures. This is despite the fact that the term 'home' features in contemporary private rental sector (PRS) legislation. In s.1 of the Housing Act 1988 reference is made to a tenant's 'only or principal home'¹¹. This is a repetition of the wording of s.81 Housing Act 1985, although the latter defines a 'secure tenancy'¹² of a social landlord. Home is undefined in legislation, but that does not negate its conceptualisation. The legal concept of home is an accumulation of decades of policy, legislation and case law, spanning the entire housing sector.¹³ On the surface level, clarity may appear to be an issue.¹⁴ However, my examination of PRS legislation and case law reveals an in-depth and nuanced understanding of home, reflective of broader scholarship and individual experiences.¹⁵ By contrast, Fox O'Mahony's research lacks empirical insight. Home is not just a philosophical concept but an experience. To truly understand home and its legal conceptualisation, it is important to explore real world experiences, opinions and attitudes, and how legislation and case law interrelate with them.

My thesis reopens the discussion on the legal concept of home and bridges some of the gaps in the scholarship. In my thesis, distinction is made between house, home and 'home space'. The latter is used to describe the intangible elements of home separate from the physical house or shelter; 'home' itself is described as both the tangible and intangible elements combined. This distinction allows for a deeper exploration of how PRS legislation and case law influences and understands the tenant experience of home; Chapter 5 explores how relevant PRS case law has traditionally approached home as a practical and emotional experience. This chapter provides an overview of my thesis, including its aims and objectives, the main research questions, and some aspects of methods and methodology. The focus of my empirical research are members of Generation Rent. The term 'Generation Rent' has multiple interpretations; this thesis identifies three.¹⁶ This chapter explores those interpretations and explains why my thesis has focused on one particular understanding. My thesis characterises Generation Rent as PRS tenants aged 18-35 years old that aspire to homeownership but are financially unable to become homeowners. This group will be the focus of my empirical study and analysis¹⁷, and are referred to throughout my thesis as Generation Rent¹. This chapter also explores why Generation Rent¹ is an effective analytical tool for understanding home experiences in the private rental sector. The socio-economic group is explored in more detail in Chapter 3, alongside the social, political, and economic contexts. The final section of this introduction also provides a roadmap for my thesis, describing the structure and the reasoning behind it.

¹¹ s.1 Housing Act 1988

¹² s.81 Housing Act 1985

¹³ Chapter 3 explores the legal and policy context of 'home' with a focus on the private rental sector

¹⁴ Fox O'Mahony (2007)

¹⁵ This is explored throughout the thesis but see the Concluding Section for further analysis.

¹⁶ See Chapter 3

¹⁷ See Chapter 6 onwards

Research Aims and Approach

My thesis has been designed and structured to answer the following research questions:

1. How far does the pre-Housing Act 1988 conceptualisation of 'home' in English legislation and case law relating to the private rental sector correspond to the conceptualisation of 'home' in the scholarly literature across disciplines?
2. What are the home experiences of Generation Rent¹, and how far are these shaped by their ASTs under the Housing Act 1988?

The research questions are numbered for reference and to indicate chronology rather than any order of importance. This section discusses the aims and objectives behind my research questions, as well as my research approach. It also briefly touches upon methodology, methods and other relevant issues, but for greater detail see Chapter 4.

My thesis adopts a socio-legal research approach and uses an amalgamation of doctrinal and empirical elements. Socio-legal research has no universally-accepted scope or definition, but I understand it to be the study of law in the real world.¹⁸ Socio-legal scholars are interested in the lived experiences of law¹⁹ and are well-suited for bridging the gap between the black letter law and individual experiences. Likewise, the approach is well-suited to bridge the gaps in the legal scholarship on home, incorporating a real-world narrative to my research on the legal conceptualisation. The approach is also flexible; socio-legal researchers often draw from different tools and methods across the many social science fields.²⁰ Socio-legal research may be interdisciplinary; it may be empirical or theoretical; it may employ doctrinal or comparative analysis techniques.²¹ It is therefore not unusual for a socio-legal research project to adopt different methods, so long as there is clarity between aims and methods. Banakar and Travers argue that 'too great a concern with following a prescribed method can limit creativity in research by imposing a standard way of investigating law and legal institutions'²². My thesis uses empirical research in the form of semi-structured interviews, which is common practice within the socio-legal framework.²³ This was not chosen as a 'prescribed method' but as the best way to gather the data I needed. Further, my study of phenomenology informed my interview approach, and offered an interesting twist on a 'standard' tool for investigation.

Phenomenology, put simply, seeks to describe a phenomenon as it is.²⁴ In socio-legal research, phenomenology explores how law is 'shaped by everyday practices'²⁵ and vice

¹⁸ S. Blandy (2016), 'Socio-legal Approaches to Property Law Research', in S. Blandy and S. Brights (eds) (2016) *Researching Property Law* (London: Palgrave Macmillan), pp.24-42, p.24

¹⁹ See: S. Blandy (2014), 'Socio-legal approaches to property law research', *Property Law Review*, Vol.3(3), pp.166-175.

²⁰ R. Banakar (2003), *Merging Law and Sociology* (Berlin: Galda & Wilch)

²¹ Blandy (2016)

²² R. Banakar and M. Travers (eds) (2005), *Introduction to Theory and Method in Socio-Legal Research* (Oxford: Hart Publishing), p.32

²³ S. Wheeler and P. A. Thomas (2002), 'Socio-Legal Studies' in D. J. Hayton (eds) *Law's Future(s)* (Oxford: Hart Publishing)

²⁴ M. Easterby-Smith, R. Thorpe & P. Jackson (2008), *Management Research*, (London: Sage Publications Ltd)

²⁵ Blandy (2016), p.31

versa²⁶, and thereby complements my research aims and approach. Phenomenological researchers take a less formulaic approach to interviews, often without any formal structure in mind.²⁷ Using a more flexible approach allowed me to be more responsive to my participants' comments. It also gives my participants the opportunity to introduce legal themes and issues without any influence; legal consciousness is explored in Chapter 4. My thesis takes a grounded theory approach to data analysis and theory-building. 'Theory' in this manner is used in the critical sense, rather than as an overarching theoretical position. Phenomenology and grounded theory are separate but complementary approaches; this research project borrows elements of each in a manner that is geared towards answering the research questions. The analysis stage follows the grounded theory approach; building theory from the data of the interviews.

My thesis does not adopt a strict grounded approach. To analyse the legal concept of home pre-Housing Act 1988, it is necessary to understand what 'home' means in a broader sense, hence my first research question. Although the cross-disciplinary understanding of home is incomplete (exemplified by the lack of legal input) it still offers the greatest insight into the concept. In response to the first question, my thesis incorporates a literature review of the scholarship on home from multiple disciplines (see Chapter 2) which is then used to analyse the pre-Housing Act 1988 legal conceptualisation of home (see Chapter 3 and Chapter 5). Grounded theory may be viewed as incompatible with literature reviews as the aim is to create theory purely from data, without external influence.²⁸ However, academics are rarely clean slates; research requires passion, investment and resources, all of which demand a solid research plan and the chance of new and interesting findings. To undertake a strict grounded theory venture without any prior knowledge would be interesting but beyond the scope of my PhD project. This study thereby does not take a strict approach but applies grounded theory in a manner that is better suited to the scope and objectives. Chapter 4 goes into greater detail regarding methodology, including the strengths, weaknesses and problems of my chosen approach.

By undertaking a literature review of home across multiple disciplines, my thesis identifies the dominant themes of home. These themes of home are important for understanding the pre-Housing Act 1988 legal conceptualisation of home within the PRS. The themes helped to identify the importance of security of tenure, thereby highlighting the fact that the Housing Act 1988 acts as a disjoint in the PRS legal concept of home as it compares with the broader scholarship. Security of tenure is thereby an important theme that has emerged from my research, both in relation to my doctrinal and empirical investigations.²⁹ The term 'home' has a limited, and largely undefined, presence within contemporary PRS domestic legislation. Historically, the term has been absent from some PRS legislation altogether, which has in turn

²⁶ M. Travers (2010), *Understanding Law and Society* (London: Routledge)

²⁷ M. Bevan (2014), 'A Method of Phenomenological Interviewing', *Qualitative Health Research*, Vol.24(1), pp.136-144

²⁸ A. Strauss & C. Juliet (1994), 'Grounded Theory Methodology: An Overview', in N. Denzin & Y. Lincoln (2000), *Handbook of Qualitative Research*, pp. 273–284

²⁹ See Chapter 5 onwards

impacted the corresponding case law. Judges cannot directly discuss home without legislative authority. However, understanding the broader themes of home allows me to identify when home is being *indirectly* discussed. Simply identifying the direct use of the term home would fail to capture the true extent of its legal conceptualisation.

My analysis of PRS case law using the cross-disciplinary themes of home reveals how judges have discussed and applied home, often without using the term itself; see Chapter 5. Legislative terminology such as ‘dwelling’³⁰ and ‘residence’³¹ have acted as gateways for judges to impute home into their deliberations. Contemporary legislation such as the Housing Act 1988 may now directly reference ‘home’³² but this has been shaped by the legislation and case law that has preceded it and presumes an understanding of that development. My thesis thereby involves an analysis of PRS legislation from the last 100 years; see Chapter 3. In Chapter 3, I also examine the policies behind the legislation and the scope of the sector overall. Fair criticism may be directed at using outdated policies and legislation to offer insights into contemporary issues. However, ‘home’ and its legal conceptualisation is by no means a stagnant or new phenomenon; it is a product of years of legislation, regulation and policies. Studying the changes in PRS legislation and the impact on the case law allows for a clearer understanding of the conceptualisation. It is only by revisiting past legislation that a more complete understanding of contemporary legislation and case law is possible. For example, some legislative terminology, such as ‘dwelling-house’³³ and ‘only or principal home’³⁴, have been used in past legislation, and their interpretations have grown and changed over time.³⁵

My thesis focuses on England rather than the UK as a whole; devolution now means that there is no standard UK-wide PRS.³⁶ Further, although my thesis does not explore home from a human rights perspective, it is important to note that home is also present in the European Convention on Human Rights (ECHR)³⁷ which is ratified in UK law by the Human Rights Act 1998³⁸. Here, home is given an autonomous meaning, as summarised by Lord Millett in *Qazi*³⁹:

The word ‘home’ has an ‘autonomous’ meaning in the Strasbourg jurisprudence, that is to say one which is independent of any particular meaning which may be attributed to it in the law of an individual contracting state. It does not, however, bear a special legal meaning

³⁰ s.1(1) Housing Act 1988

³¹ s.2(1)(a) Rent Act 1977

³² s.1 Housing Act 1988

³³ s.1(1) Housing Act 1988

³⁴ s.1(1)(b) Housing Act 1988

³⁵ For more on this, see Chapter 5

³⁶ See: J. Mitchell (2012), *Devolution in the UK* (Manchester University Press). See also: D. Houston & P. Sissons (2012), ‘The Changing Geography of Privately Rented Housing in England and Wales’, *Urban Studies*, Vol.49(4), pp.795-819

³⁷ European Convention on Human Rights 1950

³⁸ Human Rights Act 1998

³⁹ *London Borough of Harrow v Qazi* [2003] UKHL 43

developed by the case law of the Strasbourg Court, as does the expression ‘civil rights’ for example. It bears its natural and ordinary meaning as popularly understood throughout the contracting states.⁴⁰

The ‘natural and ordinary meaning’ does not seem to imply the political and legal context of home. Rather, Lord Millet’s terminology appears to refer to a meaning beyond the legal understanding; something that an ‘ordinary’ citizen would recognise. The problem with attributing home its ‘natural and ordinary meaning’⁴¹ is that there is no legal, political or academic consensus as to what this means. Further, in my thesis, home is understood not just as a concept but as an experience, and one that differs for each individual person and may even change over time. Legislation and case law seek to avoid subjectivity; it is at odds with the rule of law, which strives towards consistency and fairness.⁴² With this in mind, how can home be afforded its ‘natural and ordinary meaning’ within a legal framework? The notion is complex and appears contradictory. My thesis revisits these issues in the Concluding Section.⁴³ At their core, Lord Millet’s comments suggest the possibility of a universal understanding of home. This would suggest resemblance between the academic and legal approach, as well as individual experiences. My thesis explores this possibility in detail.

As stated above, scholarly interest in the legal concept of home has lost traction in recent years, with little to no updated research. The research within the legal field has also been detrimentally narrow and focuses almost exclusively on defining home within the scope of homeownership.⁴⁴ The most recent wave of legal academic literature on home was largely prompted by the ‘Right to Buy’ (RTB) scheme introduced by the Housing Act 1980 and the consequential impact on local authority tenants.⁴⁵ The Act was introduced to ‘give security of tenure, and the right to buy their homes, to tenants of local authorities and other bodies...’⁴⁶ and triggered a shift to homeownership as the dominant type of housing in England.⁴⁷ Still, homeownership is only one part of the housing sector. The percentage of households privately renting has risen to 19.5% over the last two decades, and 37% of those

⁴⁰ *Ibid* at 95

⁴¹ *Ibid*

⁴² This follows the UN definition, see: <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/> [accessed July 2019]

⁴³ See Chapter 8

⁴⁴ Fox O’Mahony (2007)

⁴⁵ See, for example: P. Saunders and P. Williams (1988), ‘The Constitution of the Home: Towards a Research Agenda’, *Housing Studies*, Vol.3(2), pp.81–93, and: C. M. Gurney (1999), ‘Pride and Prejudice: Discourses of Normalisation in Public and Private Accounts of Home Ownership’, *Housing Studies*, Vol.14(2), pp.163-183, p.176

⁴⁶ See the long title of the Housing Act 1980, available at: <http://www.legislation.gov.uk/ukpga/1980/51> [accessed August 2019]

⁴⁷ I. Cole, S. Green, L. McCarthy & B. Pattison (2015), ‘The Impact of the Existing Right to Buy and the Implications for the Proposed Extension of Right to Buy to Housing Associations’, CRESR, available at: <https://www.parliament.uk/documents/commons-committees/communities-and-local-government/Full-Report-for-Select-Committee-141015final.pdf> [accessed August 2019]

are families with children.⁴⁸ The lack of representation for private tenants in the scholarship is thereby not only disproportionate, but feeds into the homeownership ideology.⁴⁹ My thesis not only bridges the PRS gap in the scholarship, but identifies the problems with treating homeownership as the normalised tenure of choice.⁵⁰ One such example is the development of Generation Rent¹.⁵¹

Who are ‘Generation Rent’?

‘Generation Rent’ has become familiar terminology within modern discourse and has also been embraced within academic circles.⁵² However, the term’s meaning and parameters is contested. Despite this, there is a consensus that it is something that needs ‘fixing’⁵³. McKee et al describe it as a ‘populist label’⁵⁴ that refers to ‘young renters under 35 [years old]’⁵⁵. However, legal scholarship on any interpretation of ‘Generation Rent’ is limited; this is unusual given the widespread media and public interest in the group since the term was first used in 2011.⁵⁶ My thesis identifies three different (but somewhat overlapping) understandings of ‘Generation Rent’ but accepts that the term may be subject to even more interpretations. My thesis focuses on one understanding of ‘Generation Rent’ for my empirical research, referred to throughout as Generation Rent¹. This section explores the different interpretations of ‘Generation Rent’ and explores why my thesis focuses on Generation Rent¹. This relates to my second research question: what are the home experiences of Generation Rent¹, and how far are these shaped by their ASTs under the Housing Act 1988?

The term, ‘Generation Rent’ was first used in May 2011 in the title of a report giving the details of a survey commissioned by the Halifax Building Society.⁵⁷ The survey was undertaken by the UK’s National Centre for Social Research and included responses from 8000 individuals

⁴⁸ Housing Report Survey 2017-2018, available at:

<https://www.gov.uk/government/statistics/announcements/english-housing-survey-2017-to-2018-headline-report> [accessed January 2019]

⁴⁹ R. Ronald (2008), *The Ideology of Home Ownership: Homeowner Societies and the Role of Housing* (London: Palgrave Macmillan)

⁵⁰ C. M. Gurney (1999), ‘Pride and Prejudice: Discourses of Normalisation in Public and Private Accounts of Home Ownership’, *Housing Studies*, Vol.14(2), pp.163-183

⁵¹ See: K. McKee, T. Moore, A. Soaita & J. Crawford (2017), ‘Generation Rent and the Fallacy of Choice’, *International Journal of Urban and Regional Research*, Vol. 41(2), pp.318-333

⁵² See, for example, McKee et al (2017), Richard (2019)

⁵³ See, for example: <https://www.generationrent.org/vskills> [accessed August 2019]

⁵⁴ K. McKee, A. Soaita & M. Munro (2019), ‘Beyond Generation Rent: Understanding the aspirations of private renters aged 35-54’, *Housing Evidence*, available at: <https://housingevidence.ac.uk/publications/beyond-generation-rent/> [accessed August 2019], p.6

⁵⁵ *Ibid*

⁵⁶ See: <http://www.natcen.ac.uk/blog/the-reality-of-generation-rent> [accessed March 2020]

⁵⁷ *Ibid*

aged between 20-45 years old. The survey was intended as a representative cross-section, incorporating different housing tenures, and was primarily concerned with the topic of homeownership. The survey was also repeated in the three years that followed. Of the 8000 initial interviewees, 44% were 'homeowners', 20% were 'likely first-time buyers', 21% were 'impeded first-time buyers' and 15% were 'uninterested in homeownership'. These statistics remained largely stagnant in the three annual reports that followed.⁵⁸ The 44% that were 'homeowners' were described as 'older and better off than the other groups' and were primarily aged between 30-40 years old.⁵⁹ The key difference between the 'likely' first-time buyers and 'impeded' first-time buyers was financial. Both groups aspired to homeownership, but the former group was considered more likely to achieve their aspirations. By contrast, the 'impeded' group explained that they 'would like to own a home, but don't think that they will ever be able to do so'⁶⁰. This group was less likely to have financial support from their families and more likely to have lived in the PRS for more than 3 years.⁶¹ It is problematic that the survey report characterises respondents by their relationship to homeownership, thereby feeding into the homeownership ideology.⁶² However, this is unsurprising given the fact that the survey was commissioned by a mortgage lender; they are likely to be more concerned with homeownership.

The survey characterised both the 'impeded' group and the group 'uninterested in homeownership' as part of 'Generation Rent'. My thesis takes a narrower approach, focusing on the 'impeded' group. I do not focus on PRS tenants that are uninterested in homeownership. The reason for this can be determined by the report itself. Focusing on the group uninterested in homeownership, the report summarised that:

This group is the least positive about homeownership, and in general, view renting as fine as a choice; only 23% agree it is important for parents to bring up children in a home that they own, not rent, and only 39% agree buying a home is one of the ways that people take a stake in society. They are the most likely to agree that Britain should lose its obsession with homeownership (36%).⁶³

The report classifies this group as part of 'Generation Rent' as they intend to be just that; a group of people that will live in the PRS long-term and perhaps their entire lives. However, the report states this group are (largely) satisfied with renting, describing it as 'fine' if it is a 'choice'. By contrast, the 'impeded' group are not living in the PRS as a choice; they would prefer to be homeowners. Grouping these two different sets of PRS tenants under the term 'Generation Rent' is problematic. Both groups can be defined as long-term tenants, but their views, choices and aspirations regarding their tenure are poles apart. The contrast between the 'impeded' groups' aspirations and circumstances makes this group more interesting in

⁵⁸ Reports available: <http://www.natcen.ac.uk/blog/the-reality-of-generation-rent> [accessed March 2020]

⁵⁹ *Ibid*, 2011 Report, p.5

⁶⁰ *Ibid*, p.6

⁶¹ *Ibid*, p.6

⁶² Gurney (1999)

⁶³ *Ibid*, p.6

terms of their home experiences. To call this group 'Generation Rent' is to highlight their plight rather than just a means of describing their tenure.

My thesis also focuses on a slightly narrower age range than the Halifax report; my target for participants was between 18-35 years old. This fits the findings that 30-40 year olds were more likely to be homeowners. It also reflects McKee et al's description of the 'populist label'⁶⁴ as referring to 'young renters under 35 [years old]'⁶⁵. Focusing on 18-35 year olds also aligns with the Millennial generation, defined as aged 23-38 in 2019.⁶⁶ My participants fit within this category at the time of the interviews, but my thesis is not intended to be representative of all Millennials or any one generation.⁶⁷ 'Generation Rent' are not a 'generation' in the typical understanding, but the group does incorporate a significant cross-section in terms of age. Bessant et al argue that this is important as a generation-wide sample is a useful research tool to understand political impact.⁶⁸ Such a sample is more likely to showcase the impact of political decisions and events; the group is large and the individuals are impacted by changes around the same times in their lives. Bessant et al also suggest that a 'generation' in the traditional sense is not created by the researcher, but by the relationships and processes within it.⁶⁹ Their analysis of 'the precarious generation' also focuses on 18-35 year olds; they argue that younger generations such as Millennials born into the 'neoliberal zeitgeist' have been significantly impacted by politics and are more suitable to scrutiny.⁷⁰ My characterisation of Generation Rent¹ focuses on the same age range and explores how their home experiences have been impacted by their ASTs.

My thesis thereby characterises Generation Rent¹ as PRS tenants aged 18-35 years old that aspire to homeownership but are financially unable to become homeowners. This group will be the focus of my empirical study and analysis.⁷¹ McKee et al also follow this definition. They suggest that the term is used to 'reflect the growing phenomenon of young people in the UK renting in the private sector for longer periods of their lives because they cannot afford homeownership'⁷². They characterise this group as being 'stuck' in the PRS; they live in one type of tenure but aspire to another.⁷³ However, it should be noted that McKee now believes the age parameters of Generation Rent¹ should be considered wider.⁷⁴

⁶⁴ K. McKee, A. Soaita & M. Munro (2019), 'Beyond Generation Rent: Understanding the aspirations of private renters aged 35-54', *Housing Evidence*, available at: <https://housingevidence.ac.uk/publications/beyond-generation-rent/> [accessed August 2019], p.6

⁶⁵ *Ibid*

⁶⁶ See: <https://www.pewresearch.org/fact-tank/2020/04/28/millennials-overtake-baby-boomers-as-americas-largest-generation/> [accessed May 2020]

⁶⁷ See Chapter 6

⁶⁸ Bessant et al (2017)

⁶⁹ *Ibid*

⁷⁰ Bessant et al (2017)

⁷¹ See Chapter 6 onwards

⁷² McKee et al (2017), p.318

⁷³ *Ibid*

⁷⁴ McKee & Soaita (2018)

The Halifax report also found that ‘two-thirds of non-homeowners (64%) believed they would not get on the housing ladder’ with only 23% of that group stating they did not want to.⁷⁵ The respondents stated that their attitudes were based on financial constraints such as property prices, deposit sizes and low or precarious incomes. Only 5% of this group were actively saving for a deposit and were ‘making life sacrifices to do so’.⁷⁶ The report highlighted that ‘61% of Britain’s personal wealth’ is in property; as Generation Rent¹ cannot get on the ‘housing ladder’ they are part of a widening wealth gap between homeowners and non-homeowners. Here, the ‘housing ladder’ describes the socio-economic and ideological pressures on Generation Rent¹ and other housing consumers.⁷⁷ Even if a tenant manages to buy a home, they are metaphorically placed on the bottom rung of a ladder. The ladder represents an indefinite chain of housing consumption, with each purchase intended to increase financial and social status. Homeowners are therefore not exempt from housing pressures; however, there is greater societal, and often familial, pressure on private tenants to become homeowners.⁷⁸ Tenants occupy the ground level and homeowners are elevated higher; the ladder is a symbol of status. Of course, the housing ladder is a ladder without an end destination; it evokes the image of an individual climbing ever higher, but without purpose. Eventually, the individual will stop climbing, or even slip down the ladder. Perhaps for some the end goal is a housing nest egg for retirement⁷⁹, but as this is at the end of an individual’s life span, it arguably offers a negative commentary on the home. If an individual spends their life aspiring to a housing nest egg, what does this say about their experience and/or enjoyment of their homes prior to this? My thesis focuses on Generation Rent¹ and the impact of social and economic pressures on their current homes, but other research is needed into how similar pressures may impact other groups’ experiences.

The second understanding of the meaning of ‘Generation Rent’, referred to here as Generation Rent², is much broader than Generation Rent¹ but has also been developed from the initial Halifax survey report. Generation Rent² focuses on all PRS tenants facing financial hardship and is largely linked with the fall-out from the financial crash in 2008. This is unsurprising given that the report was published in the years that followed the financial crash; Generation Rent² became yet another example of how the financial crash had been detrimental to society and was covered by local news groups⁸⁰ and later the national press.⁸¹ The term was soon adopted by a mainstream audience and was used by most as a means of

⁷⁵ See: <https://www.pewresearch.org/fact-tank/2020/04/28/millennials-overtake-baby-boomers-as-americas-largest-generation/> [accessed May 2020]

⁷⁶ *Ibid*

⁷⁷ See: R. Atkinson and S. Blandy (2017), *Domestic Fortress* (Manchester University Press)

⁷⁸ McKee & Soaita (2018)

⁷⁹ See: K. Kaplan (2010), ‘What it takes to nurse a nest egg’, *Nature*, Vol.467, pp.489- 501

⁸⁰ According to Buzzword, the phrase was first picked up by Ripley & Heanor News in June 2011, see: <https://www.macmillandictionary.com/buzzword/entries/generation-rent.html>

⁸¹ See, for example: <https://www.theguardian.com/money/2015/apr/07/young-people-uk-increasingly-giving-up-owning-home-halifax-survey>

criticising government policy relating to the PRS.⁸² Consequently, the term carries negative connotations as it is associated with the negative aspects of the PRS, such as tenure insecurity and poor living conditions.⁸³ Although Generation Rent² was adopted from the Halifax report, its significant difference is that it does not discriminate based on aspirations of homeownership. This more catch-all understanding of the group includes all private tenants suffering from financial hardship, regardless of homeownership aspirations. It includes all age categories and those that may have been excluded from the social rented sector due to its decrease in size in recent years. Generation Rent² ignores the ‘generation’ aspect, which was arguably a core element of the initial survey findings; the report was intended to highlight the difficulties facing young people that are prospective first-time buyers.⁸⁴

Generation Rent² is an important tool for criticising contemporary problems in the PRS and links well with Generation Rent³, discussed below. However, this broader definition fails to understand the problems of younger people and focuses too heavily on the consequences of the financial crash. Byrne suggests that understanding Generation Rent² requires a perspective which brings together processes within the financial systems, national housing policy and housing demand.⁸⁵ I would agree, but argue that this understanding better serves an analysis of Generation Rent¹ than Generation Rent². Further, the perspective needs to be inclusive of the last 100 years, and not just developments within the twenty-first century. It also needs to include social and economic contexts; see Chapter 3 for a more in-depth review of the social, political, and economic factors that have led to the development of Generation Rent¹. My thesis does not criticise the definition of Generation Rent²; rather it is important to understand that the three interpretations highlighted in my thesis overlap and serve different (important) purposes. For example, it is undoubtable that first-time buyers were detrimentally impacted by the financial crash of 2008 and fall under Generation Rent². However, first-time-buyers are usually younger, aged between 18-35 on average, and may also fit the characterisation of Generation Rent¹.⁸⁶ This explains the different and overlapping interpretations of the term.

It also explains why the multiple interpretations of ‘Generation Rent’ may be necessary. Prospective first-time buyers aged 18-35 years old living in the PRS fall into both categorisations; however, Generation Rent¹ better highlights their plight as ‘stuck’⁸⁷ in one tenure but aspiring to another. Although it is true that many young people were unable to afford deposits and mortgages in the post-crash period, being unable to afford homeownership is not itself a problem. The problem is if individuals *want* to buy a home and cannot do so. Generation Rent¹ would not exist if those individuals were happy to privately rent, and willingly chose that housing tenure. This categorisation of the group is thereby

⁸² *Ibid*

⁸³ Explored more in Chapter 3

⁸⁴ See: <http://www.natcen.ac.uk/blog/the-reality-of-generation-rent> [accessed March 2020]

⁸⁵ Byrne (2019)

⁸⁶ See: <http://www.natcen.ac.uk/blog/the-reality-of-generation-rent> [accessed March 2020]

⁸⁷ McKee et al (2017)

important for exposing the problems of young people aspiring to homeownership that are financially unable to do so. This also demonstrates that Generation Rent¹ are not as strongly linked with the financial crash as Generation Rent.² The financial crash may have made Generation Rent² more visible and politically interesting, but the core characteristic of Generation Rent¹ – their aspirations of homeownership – can be traced back much further than 2008. The development of the group Generation Rent¹ has been gradual and is a result of numerous political, social and economic factors, explored more in Chapter 3.

Generation Rent² may have been used as a political commentary on the fall-out of the financial crash⁸⁸, but could have been more effectively used in exposing the failings of the PRS. The lobbying group of the same name have demonstrated how this can work in practice, and regularly champion pro-tenant policy changes.⁸⁹ This third and final understanding of ‘Generation Rent’, referred to in my thesis as Generation Rent³, also disregards the ‘generation’ aspect of the name and does not refer to a socio-economic group in the same way that the first two understandings do. Generation Rent³ refers to a lobbying group established in 2013; previously it had been known as the National Private Tenants Organisation.⁹⁰ The group raises awareness of the difficulties facing private tenants and lobbies the government for change, and has had some success in increasing protection for private tenants.⁹¹ For example, they take credit for getting the Renters Reform Bill 2019-20 moving through Parliament that will aim to end s.21 eviction notices.⁹² The lobbying group has also helped to improve issues of disrepair and revenge evictions, discussed more in Chapter 3.⁹³ The changed name of the lobbying group to Generation Rent³ was no doubt prompted by the significant interest that Generation Rent² had garnered in both politics and the media. Generation Rent³ focuses on all PRS tenants, regardless of financial situations or aspirations of homeownership. It highlights all issues facing private tenants and the PRS; their goal is to make being a private tenant a positive experience. As ‘Generation Rent’ was coined by a report for a survey commissioned by the Halifax, a mortgage lender, the original idea behind coining the term was to highlight the plight of young people in the PRS that want to become homeowners. By contrast, the lobbying group of the same name seeks to make long-term renting viable. They do not want ‘Generation Rent’ to be a political slur, but a badge of honour for long-term private tenants.⁹⁴

All three of these understandings are important and viable. They recognise the term ‘Generation Rent’ as a significant political topic and identifier that can be used to highlight several important issues. My thesis focuses on Generation Rent¹, defined here as young

⁸⁸ Byrne (2019)

⁸⁹ See, for example: Generation Rent (2014) Renter Power: Is Parliament’s paradigm of home ownership coming to an end? https://www.generationrent.org/renter_power_report

⁹⁰ See: <http://www.npto.btck.co.uk/> [accessed January 2020]

⁹¹ See their website: www.generationrent.org

⁹² See: <https://commonslibrary.parliament.uk/research-briefings/cbp-8756/> [accessed May 2020]

⁹³ See also: <https://commonslibrary.parliament.uk/research-briefings/cbp-7328/>

⁹⁴ See: <https://www.generationrent.org/about> [accessed January 2020]

people (18-35 year olds) living in the PRS that aspire to homeownership. My understanding of the group offers a more interesting insight into the idea of home within the PRS as it focuses on a group of people living in one tenure that aspire to another.⁹⁵ It is fascinating to see how such aspirations influence the ideas of home and the home experience. The ‘generation’ aspect refers to a group of people born and living at the same time and narrows the scope of the group.⁹⁶ It is also linked with aspirations of homeownership. Although having aspirations is not an experience exclusive to young people, it is more readily attributed to this group. Young people have a longer future to aspire to and are regularly asked about their future plans.⁹⁷ Analysing Generation Rent¹ helps to understand the difficulties facing young people living in the PRS, but my empirical investigation also offers an insight into the experiences of private tenants more broadly.⁹⁸

Explaining the meaning behind Generation Rent¹ is important for my second research question: what are the home experiences of Generation Rent¹, and how far are these shaped by their ASTs under the Housing Act 1988? My second research question introduces the empirical element of my thesis and re-establishes the legal framework. I am interested in how members of Generation Rent¹ understand and experience home, and how this relates to their status as tenants. My participants are aged between 22-29 (at the time of the interviews), live in shared accommodation in London and have assured shorthold tenancies. Due to their age, my participants have only ever experienced the PRS under the Housing Act 1988, yet some of their attitudes and expectations have likely been influenced by previous legislation, such as the Rent Act 1977. It is arguable that the Rent Act 1977 afforded tenants significant protection, particularly in relation to security of tenure and the cost of rent.⁹⁹ By contrast, the Housing Act 1988 introduced Assured Shorthold Tenancies (ASTs)¹⁰⁰ and mandatory grounds for eviction.¹⁰¹ Some of the key features of the Housing Act 1988 were established in previous legislation; for example, ASTs featured in the Housing Act 1980¹⁰², albeit undeveloped. My review of PRS legislation over the last 100 years helps to contextualise its development and understand how modern attitudes have been influenced by past legislation. The protections afforded under the Rent Act 1977 have not been forgotten; they have influenced the expectations of private tenants in a manner that is still evident today.¹⁰³

⁹⁵ See the empirical analysis in Chapter 8 onwards

⁹⁶ According to the Oxford English Dictionary: see www.oed.com

⁹⁷ J. Preece, J. Crawford, K. McKee, J. Flint & D. Robinson (2019), ‘Understanding changing housing aspirations: a review of the evidence’, *Housing Studies*, available at: <https://www.tandfonline.com/doi/full/10.1080/02673037.2019.1584665> [accessed September 2019]

⁹⁸ See Chapter 8 for more.

⁹⁹ See Chapter 3

¹⁰⁰ Part I Rent Act 1977

¹⁰¹ Part II Schedule 15 Rent Act 1977

¹⁰² s.1(1) Housing Act 1980

¹⁰³ See, for example: <https://www.generationrent.org/> [accessed August 2019]

My sample of Generation Rent¹ are 12 young graduates living in London. Recent research suggests that Generation Rent¹ as a group is now much more diverse, particularly in relation to age.¹⁰⁴ However, the ‘typical’ member is still seen to be a younger adult, between 18-34 years of age, aspiring to their first-time buy.¹⁰⁵ London was chosen as I have a contact in the city that was willing to help find suitable candidates for interviews. It is also the most expensive place to live in England and the UK, both in terms of housing and living costs more generally.¹⁰⁶ It is therefore the geographic location most closely related to the group.¹⁰⁷ The official Generation Rent³ website regularly discusses issues of housing in London, demonstrating the fact that many people living in the city identify with the group.¹⁰⁸ Participants were recruited via the snowball sampling technique. This meant that the geographical area covered was relatively small, but the data offers a good insight into the experiences of young members of Generation Rent¹ living in London. As regulation differs by region, I thought it was important to interview participants living in the same area. My decision to focus on London, and the benefits and problems thereof, are discussed more in Chapter 9.

Small samples, particularly those from a similar source, are not without problems; this is discussed more in Chapter 4. The latter chapter also discusses and critiques the methods of recruitment, resources, ethics and my position as the researcher. As a non-homeowner, I empathise with my participants¹⁰⁹; I was concerned about issues of bias as I shared many characteristics and concerns with my participants. Both phenomenology and grounded theory require the researcher to distance themselves from participants to minimise bias and influence.¹¹⁰ However, similarities between researcher and participant need not be considered negative.¹¹¹ Commonalities create a safer environment; participants are more likely to enjoy and engage with the experience if there is a good researcher/participant relationship.¹¹² Shared experiences and interests encourage a more dynamic and natural interview process. It can also ensure better communication as slang terms and anecdotes are more likely to be understood and properly responded to.¹¹³ My connection with my participants helped to counterbalance the researcher/participant power dynamic. Although I remained in control of the interviews, a sense of informality, and even familiarity, helped to

¹⁰⁴ McKee, Soaita & Munro (2019)

¹⁰⁵ McKee et al (2017)

¹⁰⁶ Figures available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/expenditure/bulletins/familyspendingintheuk/financialyearending2018> [accessed August 2019]

¹⁰⁷ See: J. Hoolachan, K. McKee, T. Moore & A. Mihaela (2017), ‘“Generation Rent” and the ability to “settle down”’: economic and geographical variation in young people’s housing transitions’, *Journal of Youth Studies*, Vol.20(1), pp.63-78

¹⁰⁸ See: <https://www.generationrent.org/> [accessed August 2019]

¹⁰⁹ Issues relating to the role and position of the researcher are explored in Chapter 4

¹¹⁰ N. Walliman (2016), *Social Research Methods* (London: Sage)

¹¹¹ S. Unluer (2012), ‘Being an Insider Researcher While Conducting Case Study Research’, *The Qualitative Report*, Vol.17(29), pp.1-14

¹¹² *Ibid*

¹¹³ K. Saidin (2016), ‘Insider researchers: challenges and opportunities’, *ICECRS*, Vol.1, pp.849-854

put my participants at ease, making the sessions run more smoothly. This was further enhanced by my decision to interview my participants in their homes. Chapter 4 also explores this decision, and the interview dynamics, in more detail.

The empirical part of my thesis is important as it grounds my research in real experiences. The concept of home, both legal and otherwise, is interesting not just as a philosophical debate, but because of its importance within individual lives. It is interesting to see how the cross-disciplinary and legal interpretations of home correspond with individual experiences. These three interpretations of home may be viewed as splinters from the same umbrella concept, but the interplay is more complex. The three strands are not separate but intermingle and impact one another. Consequently, my thesis explores how the understandings correlate, but also how they interrelate. The parameters are therefore ambitious, but necessarily so: home is a complex construct and a central part of everyday life.

Thesis Structure

My thesis is divided into several chapters that are organised into four core sections. The sections are 'Introductory Section', 'Conceptualising Home', 'Experiencing Home', and the 'Concluding Section'. This chapter is part of the 'Introductory Section' of my thesis; it has introduced the aims, objectives and research questions of my thesis. It has touched upon some methodological issues; however, these are discussed at greater length in the separate chapter, 'Methodology and Methods'.¹¹⁴ This chapter has also introduced the socio-economic group, Generation Rent¹, and explained the importance of that group in relation to my research.

In the next chapter, I explore how home has been conceptualised in multiple academic disciplines. In Chapter 3, I analyse the legal context and policies of the PRS to understand the development of the sector and the contemporary landscape, and why the Housing Act 1988 may act as a disjoint in the broader multidisciplinary approach to home. This again highlights security of tenure as an important theme to emerge from my research into the PRS and the home experiences of Generation Rent¹. The first few chapters that constitute 'Conceptualising Home' cover the cross-disciplinary analysis and legal analysis of home. The third section, 'Experiencing Home', incorporates the empirical aspect of my thesis. It builds together my analysis from the previous sections and then leads into the concluding part of my thesis. Finally, the 'Concluding Section' consists of two chapters, 'Defining "Home"' and 'Reflections and Future Research'. These chapters bring together the findings of my research, reflect back on my thesis as a whole, and highlight my contribution to knowledge. The final part of this chapter also offers a short summary of my main findings and contribution.

¹¹⁴ See Chapter 4

Summary of Main Findings and Contribution

My research offers a new approach towards understanding and analysing the legal concept of home. The focus on the PRS offers a fresh and interesting insight into the development of the legal conceptualisation; further, my use of empirical methods introduces a necessary real-life perspective. My thesis bridges the gaps in the current legal scholarship and helps move towards a more multidisciplinary approach to home. Significantly, it demonstrates equivalence between the cross-disciplinary understanding of home, the legal concept of home pre-Housing Act 1988 and individual experiences.¹¹⁵ However, my research also establishes that the current PRS legislation stifles the application of the legal concept of home, and that this in turn is impacting individual experiences.¹¹⁶ For example, s.21 eviction notices allow landlords to evict tenants without reason, providing very little scope for courts to challenge landlord decisions and protect the tenant home.¹¹⁷ Tenants with ASTs thereby have very little security of tenure, which challenges the establishment and ongoing relationship with the home. This has further exacerbated the development of groups such as Generation Rent¹; recent policies have led to a simultaneous push from renting and pull towards homeownership.¹¹⁸ Recent government proposals favour repealing s.21 notices, but this has yet to happen.¹¹⁹ Highlighting the semblance between the broader academic conceptualisation of home and the legal approach pre-Housing Act 1988 reinforces the importance of security of tenure. It is an important theme that emerges from my research and can be identified as the key disjoint between the current legal concept of home and that of the broader scholarship. My thesis thereby explores a contemporary issue and adds weight to the argument that s.21 eviction notices should be repealed.

My decision to explore the PRS from the perspective of Generation Rent¹ has led to the discovery of a condition I have named the ‘Janus Syndrome’.¹²⁰ My participants view and experience home as a future aspiration and as a childhood memory, to the detriment of their current, tenant home. I explore this ‘syndrome’ in more detail in Chapter 8. The choice of quote at the beginning of this chapter captures the importance of the childhood home: ‘For there we loved, and where we love is home / Home that our feet may leave, but not our hearts [...]’. The repetition of ‘love’ emphasises the importance of relationships, and evokes the idea of family, which is closely linked to the childhood home. This is the place the ‘feet may leave, but not [the] heart’; the childhood home remains significant even after an individual has moved on from it.¹²¹ My research highlights the importance of time, aspirations and nostalgia in relation to the concept of home; these elements are underrepresented in the

¹¹⁵ See Chapter 8

¹¹⁶ This issue is explored throughout the thesis

¹¹⁷ s.21 Housing Act 1988; see also, Chapter 3 and Chapter 5

¹¹⁸ See Chapter 3 for more on this

¹¹⁹ See: <https://www.gov.uk/government/news/government-announces-end-to-unfair-evictions> [accessed August 2019]

¹²⁰ For more on this, see Chapter 7 onwards

¹²¹ The idea of ‘moving on’ is especially significant for Generation Rent and my participants; see Chapter 7

broader academic scholarship.¹²² The significance of temporality to home was suggested in a psychological study by Sixsmith in 1986, but remains undeveloped.¹²³ My research also represents the home as multi-spatial, which is connected to my findings and the Janus Syndrome. These innovative findings endorse my research approach and are explored in more detail in the following chapters.

¹²² See my literature review in Chapter 2

¹²³ J. Sixsmith (1986), 'The meaning of home: an exploratory study of environmental experience', *Journal of Environmental Psychology*, Vol.6(4), pp.281-298

2. *The Scope of Home*

‘Perhaps home is not a place but simply an irrevocable condition.’

~ James Baldwin¹

Researching Home

This chapter begins to address my first research question: how far does the pre-Housing Act 1988 conceptualisation of ‘home’ in English legislation and case law relating to the private rental sector correspond to the conceptualisation of ‘home’ in the scholarly literature across disciplines? To do this, it analyses the concept of home in academic literature from psychology, sociology, economics, geography, politics, urban studies and housing studies. In providing this literature review, I have identified the core themes that may be used to identify and define the concept of home. These themes may then be applied to my analysis of PRS legislation and case law, thereby exploring how the legal approach corresponds with the broader scholarship. In this chapter, some reference is made to the legal literature, but scholarship on the legal concept of home is limited. This is despite the fact that law plays a role in shaping the understanding of home within society, and vice versa.² Fox O’Mahony argues that there is no clear concept of home within the English legal system and that ‘the historical shift has been *away* from *home*-oriented thinking in law.’³ She does suggest that ‘law *can*...and *should* take account of home interests’⁴, but this is in the context of the commercial claims of creditors against homeowners. By contrast, little has been done to explore and represent the tenant experience of home within a legal context. My thesis thereby bridges some of the gaps in the scholarship and introduces a necessary empirical insight into the experiences of real individuals.⁵ The importance of an empirical investigation in research relating to home is demonstrated in the exploratory study by Sixsmith.⁶ In 1986, she highlighted that most research on home was theoretical despite its real-world application, and that more empirical work was needed.⁷ Over three decades later, I agree that more empirical research is still needed, particularly within legal scholarship. This chapter analyses some legal scholarship relating to domestic violence and the home, which is briefly discussed in relation to the family home, home as a haven and homemaking practices.⁸ Domestic

¹ J. Baldwin (1956), *Giovanni’s Room* (New York: Dial Press), p.121

² Cotterrell (2006)

³ Fox O’Mahony (2007), p.523

⁴ *Ibid*, p.524

⁵ This relates to my second research question.

⁶ Sixsmith (1986)

⁷ For my empirical findings, see Chapter 6 onwards

⁸ For example; L. Goldsack (1999), ‘A Haven in a Heartless Home? Women and Domestic Violence’, in T. Chapman and J. Hockey (eds), *Ideal homes?: Social change and domestic life* (London: Routledge)

violence arguably focuses on the failed home; what the home should not be. Some academics even highlight the link between domestic violence and homelessness.⁹

In this chapter, home is discussed as a multidimensional concept and analysed in relation to space, place and people. Home is explored with reference to ideas of safety, security, identity, materiality and social interaction. The scholarship on home suggests that the focus has changed throughout the decades; for example, more recent literature discusses materiality, explored below. Home is a foundational human need with several core elements, but also comprises of subjective experiences. It is a relationship between person and place, and not all relationships are positive. Further, they are often subject to external forces; one such example is law. As my thesis focuses on PRS experiences, tenure and security of tenure is referenced in detail; the latter has emerged as a particularly important aspect of PRS home experiences in this thesis. Tenure refers to 'the conditions under which land or buildings are held or occupied'¹⁰. In property law, occupation is categorised as freehold, leasehold, license or trespass.¹¹ Blandy and Goodchild highlight that discourse varies across property law, housing law and general housing discourse.¹² In my thesis, I use general housing discourse terminology, such as owner-occupier/homeowner and tenant. Occupiers do not all have the same rights or interests. This effectively creates a tenure hierarchy, with some occupiers facing greater limitations on their experience of home than others. Significantly, according to Murie and Williams, it is important to recognise that although homeowners and tenants are treated as separate tenures, there is diversity within those groups too:

If we continue to examine housing through established tenure categories, there is an implicit acceptance of the rhetoric that regards all homeowners as having the same status and interests or all tenants as having the same rights.¹³

The categorisation of 'homeowner' or 'tenant' risks oversimplification. Tenure is effectively a gradient and should not be used as a means of pigeonholing individuals and their home experiences. It is equally problematic to suggest that tenants and homeowners are not fundamentally different. Rights and interests will vary within categories, but that should not undermine the greater variation across categories. My thesis is primarily concerned with the experiences of tenants, but this chapter also offers some insight into the experiences of owner-occupiers. This offers not only an interesting comparison, but for many people owner-occupation represents the archetypal home¹⁴ and thus acts as a good starting point for analysis. My supporting empirical research focuses on a small sample of members of

⁹ C. Nunan (2003), 'Women, Domestic Violence and Homelessness', *Parity*, Vol.22(10), pp.7-9

¹⁰ As defined in C. Harpum, S. Bridge & M. Dixon (2012), *Megarry & Wade: The Law of Real Property* (London: Sweet & Maxwell)

¹¹ S. Blandy & B. Goodchild (1999), 'From Tenure to Rights: Conceptualizing the Changing Focus of Housing Law in England', *Housing, Theory and Society*, Vol.16, pp.31-42, p.34

¹² Blandy & Goodchild, p.34

¹³ A. Murie and P. Williams (2015), 'A Presumption in Favour of Homeownership? Reconsidering Housing Tenure Strategies', *Housing Studies*, Vol.30(5), pp.656-676, p.672

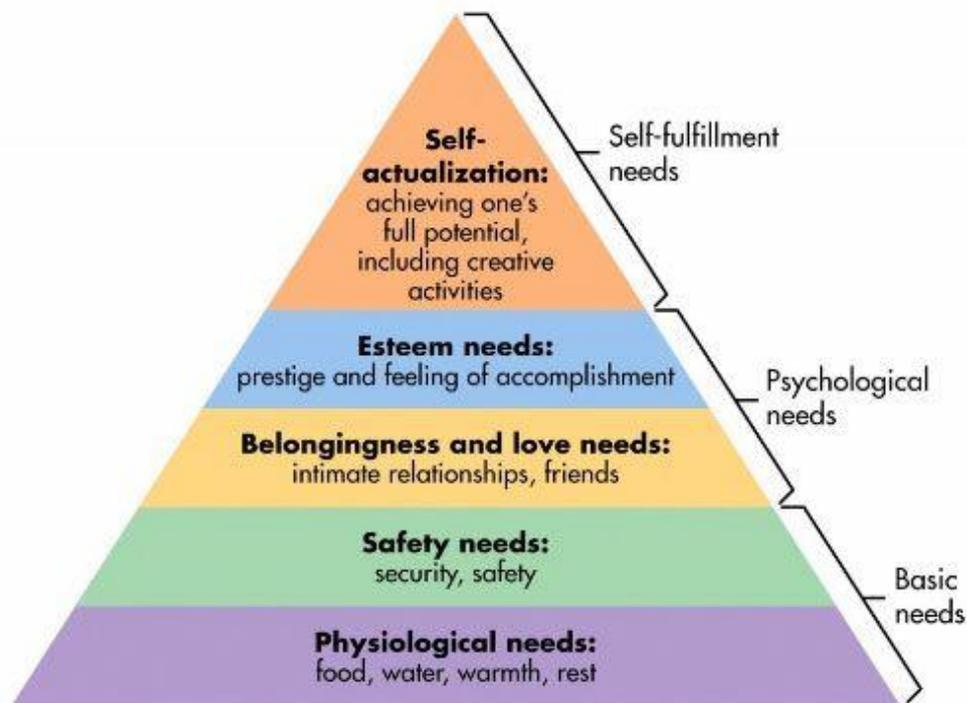
¹⁴ See: P. Saunders (1990), *A Nation of Home Owners* (London: Unwin-Hyman)

Generation Rent¹⁵; this group is defined by aspirations of homeownership and so there may be links between their housing goals and their ideas of home.¹⁵ It is important to note that this chapter focuses on the idea of home and tenure in England; devolution now means a lack of uniformity across the UK.¹⁶

The Importance of Home

In some ways, home as a construct can be likened to Maslow's 'Hierarchy of Needs'¹⁷:

Figure 4.1: Maslow's Hierarchy of Needs



Source: A. Maslow

Maslow's hierarchy spans the basic, psychological and self-fulfilling needs of every human being.¹⁸ In many ways, these can be aligned with the basic needs of home. According to Somerville, the home can be identified by seven key signifiers: shelter, hearth, heart, privacy,

¹⁵ See Chapter 7 and Chapter 8

¹⁶ See: Mitchell (2012), see also: D. Houston & P. Sissons (2012), 'The Changing Geography of Privately Rented Housing in England and Wales', *Urban Studies*, Vol.49(4), pp.795-819

¹⁷ A. Maslow (1954), *Motivation and Personality* (New York: Harper)

¹⁸ M. A. Wahba and L. G. Bridwell (1976), 'Maslow reconsidered: A review of research on the need hierarchy theory', *Organizational Behaviour and Human Performance*, Vol. 15(2), pp. 212-240

roots, abode and paradise.¹⁹ Home encompasses both a physical and psychological experience. For home to provide the basic needs of security, safety, food, water, warmth and a place to rest, it requires a corporeal element; a structure of some sort. This supports Fox O'Mahony's representation of home as 'house + x factor'²⁰. The house, or variation thereof, is not the same as home. The latter is something more. In my thesis, the 'x factor' can be interpreted as the intangible elements of home.

As Somerville suggests, home provides more than shelter; it also has heart.²¹ The home provides a space for intimate relationships to develop and thrive, and for many it acts as the haven of family.²² Maslow's pyramid explores the need for family and friends, as well as the possibility to contribute to society. The relationship with society is important as it represents a collection of home spaces. Home may be insular, but it is not isolated.²³ The highest point of Maslow's diagram relates to self-actualisation²⁴ and can be aligned with the psychology of home. This signifies the home as a place of identity, sanctity and potential. It also relates to the idea of homemaking and unmaking, discussed below. It must be noted that Maslow's hierarchy acts as an individualistic approach to the basic needs. Home, by contrast, is not entirely individualistic; it has connotations of household, family and community. Further, Maslow's hierarchy does not necessarily reflect an individual's understanding or image of home. To explore this, my thesis incorporates some empirical research to help understand individual and relational experiences and definitions of home; see Chapter 6 onwards.

In English, the word 'home' derives from the Anglo-Saxon word 'ham' which refers to a town or village.²⁵ Here, the connotations of community are more pronounced. Although all these terms remain connected, many would not use the words town/village/home interchangeably in modern conversation. In some Anglo-developed countries, home may once have represented a communal rather than personal space; now, however, the territory appears to have diminished to within the four walls.²⁶ The now common saying 'an Englishman's home is his castle' reflects this shift. The quote originates from an English seventeenth century case that indirectly discussed the boundaries of home, and the control thereof.²⁷ The castle once represented communal defense: it was the town fortress. By using 'castle' as a metaphor for home, the case not only demonstrates the shift from communal to personal but explores the importance of spatial governance. This may well be the English law's first attempt to grapple

¹⁹ P. Somerville (1992), 'Homelessness and the Meaning of Home: Rooflessness and Rootlessness?', *International Journal of Urban and Regional Research*, Vol.16(4), pp.529–539

²⁰ Fox O'Mahony (2007), p.207

²¹ Somerville (1992)

²² For a critical review on home as a haven, see: Manzo (2003)

²³ Atkinson & Jacobs (2016)

²⁴ For a more detailed discussion on this, see: M. E. Koltko-Rivera (2006), 'Rediscovering the later version of Maslow's hierarchy of needs: Self-transcendence and opportunities for theory, research and unification', *Review of General Psychology*, Vol.10(4), pp.302-317

²⁵ A. Hollander (1991), *Moving Pictures* (Harvard University Press), p.16

²⁶ See: J. Rutherford (ed) (1990), *Identity: Community, Culture, Difference* (London: Lawrence & Wishart)

²⁷ Semayne's Case (1 January 1604) 5 Coke Rep. 91

with the concept of home and, most significantly, the idea that home is a personal space that is controlled by the occupant.²⁸ According to Rybczynski, 'home' could also have originated from the word 'heima', referring to the idea of both the structure and its occupant.²⁹ This appears to follow a more contemporary understanding of the term, adapted by a changing society that has become increasingly insular. It also emphasises the importance of the physical dimension of home.

Interestingly, the home space denotes a sense of security and privacy, and yet it does not provide those things. It is the physical structure; the building; the 'dwelling'³⁰ place that does so. A roof offers shelter and walls offer protection from danger and societal scrutiny, and these are key elements of Maslow's hierarchy. But why, then, does home suggest feelings of security and privacy, rather than the walls and the roof? A building can offer shelter, warmth and protection without being a 'home'. The building or the house is, in many ways, a shell. Home, on the other hand, does not conjure the image of a shell-like building. Rather, it is a multidimensional construct. The home space itself may be of more value, but it is important not to overlook the significance of the external structure in which it manifests. The latter is also much more easily identifiable to an outside party; consequently, it is an easier construct for legislation and case law to identify and relegate. By contrast, the home space, as an intangible and often subjective experience, is much more difficult for legislation to describe and define. Some key pieces of case law suggest that judges are able to identify the intangible elements of home.³¹ It must be noted that although shelter itself is a universal human need, the 'bricks and mortar' idea of a dwelling house follows a more Western tradition.³² The shell of the home may be a house made of bricks and mortar, but it may take any number of other forms of shelter, for example a tent or tipi. It is important to recognise that house and home may vary by culture and religion, but also by society more broadly.

Aligning Maslow's hierarchy of needs with the home construct is no perfect fit, yet it is important to frame home as a foundational human need. The comparison helps to understand home as a multidimensional concept. Each layer of the pyramid relates to another dimension of home. Absence of certain factors may mean that a home will not manifest, although this may be subject to individual preference. However, some act as core elements, such as shelter. Significantly, the absence of certain factors is often linked with tenure. An individual that owns their home outright has greater control of their home than a tenant, although this does come at the cost of greater responsibilities.³³ Control is not the definitive element of home, but it impacts many other elements, such as privacy, security and

²⁸ J. Rykwert (1991), 'House and Home', *Social Research*, Vol.58(1), pp.51-62

²⁹ W. Rybczynski (1986), *Home: A Short History of an Idea* (New York: Penguin Books), p.91

³⁰ This term is still used in contemporary PRS legislation, for example; s.1 Housing Act 1988; see Chapter 3 and Chapter 5

³¹ See Chapter 5

³² S. Bowlby, S. Gregory & L. McKie (1997), "'Doing home": Patriarchy, caring, and space', *Women's Studies International Forum*, Vol.20(3), pp.343-350

³³ Merret & Gray (1982)

even the household unit, and may also be identified as a core theme. A PRS tenant with an AST has less control of their home than their homeowner counterparts, and this hierarchy is legally established and reinforced. But what does this suggest about the privately rented home, and how does this impact the tenant experience? The following sections explore the key elements of home in more detail and discuss how having an AST may influence each factor. This is then further developed in the 'Experiencing Home' and 'Reconstructing Home' sections of my thesis with reference to my empirical analysis of members of Generation Rent¹. All my participants have ASTs and can offer an insight into the real-world home experiences of private tenants.³⁴

Household, Family and Community

For many, home and family go hand in hand. Some academics even argue that the two terms are interchangeable.³⁵ Gilman even goes so far as to say that a home without a family is 'only a house'³⁶. This seems to follow (not exclusively) Western propaganda that encourages a society built on nuclear families in their own homes.³⁷ Some researchers argue that the home has been used as part of a political agenda by some States, including Britain, to generate economic growth and cut welfare costs. Madigan et al argue that the propaganda of the housed nuclear family in Western cultures was a means of reallocating responsibility.¹ The focus on a smaller self-maintained unit allowed the government to control and cut its welfare obligations: individuals were more likely to look to their unit for support, rather than the State. This complements the idea that the concept of home in the UK has shifted from a communal to personal space. It also highlights the home as a commodity, and one that allows for socio-economic control.³⁸ Independent studies conducted in some Western territories, including Britain, showed that interviewees from different backgrounds consistently expressed a similar preference of their ideal home: a detached house with a garden occupied by a single family.³⁹ However, some critics take issue with such a conservative image of the family unit, arguing that it normalises the concept of a white, middle class, heterosexual family at the expense of all other variations.⁴⁰ Feminist scholars may take issue with a format

³⁴ See Chapters 6-9

³⁵ Crow (1989)

³⁶ C. P. Gilman (1980), 'The Home: Its Work and Influence', in E. Malos (ed.), *The Politics of Housework* (London: Allison and Busby)

³⁷ Madigan, Munro & Smith (1990)

³⁸ D. Madden & P. Marcuse (2016), *In Defence of Housing: The politics of crisis* (London and New York: Verso)

³⁹ See: J. D. Porteous (1976), 'Home: The Territorial Core', *Geographical Review*, Vol.66(4), pp.383–390, I. Cieraad, (1999), 'Introduction: Anthropology at Home,' in *At Home: An Anthropology of Domestic Space* (ed), I. Cieraad (Syracuse: Syracuse University Press), pp.1-12, T. Chapman & J. Hockey (eds) (1999), *Ideal homes?: Social Change and Domestic Life* (London: Routledge), G. Wright (1991), 'Prescribing the Model of Home', *Social Research*, Vol.58(1), pp.213–225

⁴⁰ See: Wagner (1993), Passaro (1996), Wardaugh (1999) in S Mallett (2004), 'Understanding Home: A Critical Review of the Literature', *Sociological Review*, Vol.52 pp.62-89, p.74

that seeks to perpetuate patriarchal power within the home space.⁴¹ It favours homeownership above other tenure types, arguably relegating some experiences to second-class status. Historically, governments and other institutions (including religious sectors) may have had a vested interest in encouraging an ideal homed family, be it economic or otherwise.⁴² However, in 1988, Saunders and Williams argued that they believed that the traditional nuclear family had become less relevant to Western society, and that other units are now as constitutive to home.⁴³ Contemporary society demonstrates that this is the case now more than ever; families can be constructs of choice, not just biology.⁴⁴ Although the traditional nuclear family may be less relevant, it is arguable that family itself remains important to the concept of home, whatever amalgamation it may take.

Of course, not all families live under one roof. Extended families often live in another home altogether, sometimes many miles from the core unit. If home and family are mutually exclusive, this creates the possibility of home inhabiting more than one space.⁴⁵ A child may feel safe visiting an aunt's home, but they are unlikely to feel the same emotional freedom that they experience in their permanent home. The reverse can also be true, and often this relates to the bonds between people rather than with the property itself.⁴⁶ An individual may feel connotations of home in multiple spaces: Douglas argues that home 'is located in space, but it is not necessarily a fixed space'⁴⁷. The latter portrays home as an almost fluid concept; an experience that may manifest in multiple spatial pockets. It may be made and unmade as the individual sees fit; see below. Such a portrayal may resonate with children with separated parents.

Yet the notion that home is important because it is synonymous with family does not entirely stand up. Many people living with partners, friends or even living alone can still experience home.⁴⁸ Just as family may allow for multiple spatial pockets of home, it can be absent altogether. Of course, individuals living alone may still experience home in places of family, but their experience of home is not predicated on it. It may be helpful to consider the family unit living in a home as the household, and to understand that households, similarly to families, are numerous and incredibly varied. In this regard, an individual living in a home alone is still a household, just as a family is. The focus shifts to the people and their relationship with each other, as well as the property. A student may experience home in their

⁴¹ M. Wykes & K. Welsh (2009), *Violence, Justice and Gender* (London: Sage Publications), p.133

⁴² S. Watson and H. Austerberry (1986), *Housing and Homelessness: A Feminist Perspective*, (London: Routledge & Kegan Paul)

⁴³ Saunders & Williams (1988)

⁴⁴ J. Weeks, B. Heaphy & C. Donovan (2001), *Same Sex Intimacies: Families of Choice and Other Life Experiments*, (Psychology Press)

⁴⁵ M. Douglas (1991), 'The Idea of a Home: A Kind of Space', *Social Research*, Vol.58(1), pp.287–307

⁴⁶ D. Massey (1992), 'A Place Called Home?' in (ed.), *The Question of 'Home'*, *New Formations* (London: Lawrence & Wishart)

⁴⁷ Douglas (1991)

⁴⁸ Weeks et al (2001)

childhood home and at university; this supports the idea of multiple home spaces and challenges the idea that family alone may constitute home.

The idea that home and family are indistinct is also problematic for tenants. The most recent Housing Survey Report reveals that 37% of families are now in private rented accommodation, which is a huge increase compared with less than two decades ago.⁴⁹ However, the majority of tenants are still sole occupiers.⁵⁰ This is largely due to the fact that, as Bovaird et al recognise, the PRS performs a number of specialised roles that often suit single occupiers.⁵¹ Examples may include students, commuters or young people that prefer a more flexible lifestyle. To suggest that only families experience home undermines a significant number of households, and tenant households in particular. Many households experience a different, but no less important, home to families. The 'family home' as a construct may be to blame for the assumption that homes are synonymous with families.⁵² It acts as the original home space for most individuals, and for many stands as a pillar to strive to recreate; this was evident in my empirical research.⁵³ My participants' childhood homes were owned homes; this links with their aspirations of homeownership as to recreate their childhood homes, they believed that they needed to get on the 'property ladder'⁵⁴. However, the importance of the family unit should not undermine other households, or their experiences of home.

In this regard, Saunders and Williams believe it is vital to distinguish between house, home and household, and to understand them as separate entities.⁵⁵ They describe home as a 'socio-spatial system' that combines house and household, the latter representing the inhabitants and their relationships with one another. Saunders and Williams' perception of the house, home and household as distinct concepts allows for an understanding of the interplay between them. To argue any one is synonymous with another is, in many respects, too simplistic and fails to understand the home as a multifaceted network. And so, although home and family, and home and household, share such a strong connection that they may appear interchangeable, it is important to see them as distinct. This allows for an interesting analysis of their relationships and helps to build a clearer picture of the concept of home more generally. Home is not the same as family or household, but they are critical components. This perspective also helps to recognise the varied household and familial structures, and thus does not risk invalidating the tenant experience.

⁴⁹ Housing Survey 2017-2018, available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/595785/2017-18_EHS_Headline_Report.pdf [accessed May 2019]

⁵⁰ Mallett (2004)

⁵¹ Bovaird, Harloe & Whitehead (1985)

⁵² For an interesting discussion on the family home, see: M. Munro & R. Madigan (1999), 'Negotiating Space in the Family Home', in I. Cieraad (ed.), *At Home: An Anthropology of Domestic Space* (Syracuse: Syracuse University Press)

⁵³ This was also supported by my empirical research; see Chapter 7

⁵⁴ This term is explored more with reference to Generation Rent¹ in Chapter 3

⁵⁵ Saunders & Williams (1988)

Yet, if household is not the same as home or family, what is it? The Oxford English dictionary defines it as 'a house and its occupants regarded as a unit'⁵⁶. The term comes from Middle English 'houshold' as a combination of the terms 'house' and 'hold'.⁵⁷ The latter term has root meanings relating to blessing and loyalty; the word 'holden' also evokes a sense of servitude. In this regard 'household' was popularly used to reference a stately home and, more specifically, the people within. The household was not simply the family that owned the property, but the staff and servants who lived and worked there.⁵⁸ Haviland argues that in contemporary society, the household consists of one or more people who live in the same dwelling, and may consist of a single family or some other grouping of people.⁵⁹ There is a presumption of sharing, for example meals or a communal area such as a living room.⁶⁰ As my participants live in shared accommodation with at least one other person, sharing was a key theme in the interviews. However, the presumption of sharing relates to all housing tenures, not just private tenants. The household, then, can be distinguished from the house and home as the people that reside there, and their unique relationship. This reinforces the idea that family and household are not the same thing: all families are usually households, but not all households are families.

It is important to identify that the household may be comprised of just one individual.⁶¹ Such recognition is important to single occupiers, particularly tenants. It also complements the idea of home and control, discussed below. Sharing remains a key theme as it is often a reason for individuals to live alone; they do not want to share their space, and make a choice based on that desire. The absence of sharing in single-occupancy households does not undermine its importance but reinforces that there is a presumption thereof. Of course, if the number of single-occupancy households continues to rise, it may eventually rebut the presumption.⁶² Analysing household is important as it directly influences the experience of home: it stands at the core of everyday life.⁶³ Saunders and Williams claim that the household bridges the gap between the individual and society.⁶⁴ This appears to support the idea that the household is the people within a dwelling; but how does this fit in with the concept of home? If home is a personal experience, it stands to reason that members of the same household will not experience home in the same way, despite the fact that their home spaces overlap. Perhaps this is the key framework to distinguish between house, home and household: the house is a shared space and the household is a shared identity, whereas home is inherently individual.

⁵⁶ See: <https://en.oxforddictionaries.com/definition/household> [accessed May 2019]

⁵⁷ C. T. Onions (ed) (1966), *The Oxford Dictionary of English Etymology* (1st ed.) (Oxford: Oxford University Press)

⁵⁸ M. Kowaleski & P. J. P. Goldberg (2001), *Medieval domesticity: home, housing and household in medieval England* (Cambridge University Press)

⁵⁹ W. A. Haviland (2003), *Anthropology* (Belmont, CA: Wadsworth)

⁶⁰ R. C. Ellickson (2010), *The Household: Informal Order around the Hearth* (Princeton University Press), p.1

⁶¹ *Ibid*, p.128

⁶² English Housing Survey 2017-2018

⁶³ R. C. Ellickson (2006), 'Unpacking the Household: Informal Property Rights Around the Hearth', *Yale Law Journal*, Vol.11(2), pp.226-328, p.229

⁶⁴ Saunders & Williams (1988)

Household can be identified as the point of overlap between different individuals' experience of home. It can also be identified as the economic human unit.⁶⁵ Ellickson, as a legal scholar, finds it interesting that liberal states adopt a more 'laissez-faire' approach to the household.⁶⁶ Unlike marriages and families, households are less regulated and documented. This may seem unusual considering the fact that there is extensive overlap; further, the household unit is arguably more politically and economically invested, and it is surprising that governments both in the UK and US adopt a somewhat indifferent attitude.⁶⁷ Despite this, households in the UK are often referenced in terms of joint income; for example, the operation of State benefits is predicated on this calculation.

Households are not always created by choice.⁶⁸ Families may often be organic and self-governing but other types of households are more ad hoc and sometimes temporary. This is particularly relevant to tenant occupiers. Students, for example, are often placed together in groups without a choice, usually for the academic year. Thus, this type of household is created out of financial convenience. Ellickson defines the household as 'an enterprise that one or more adults consensually establish in a particular dwelling unit in order to produce and consume shelter, meals and other domestic services.'⁶⁹ The focus on production and consumption highlights the economic aspects of the unit. Ellickson's definition reiterates that a household may comprise of just one person, and the importance of certain elements such as shelter.

However, there is conflict between the notion of consent and economic necessity. If an individual has little choice but to live in shared housing, is this fully consensual? Is sharing with strangers an informed and thereby consensual choice? As the household is established out of necessity rather than choice, it is more likely to house discord. This will no doubt affect each member's experience of home; it may mean that the sense of home cannot be achieved at all. If control is a key element of home, the shared home becomes a very complex notion, as shall be discussed later.⁷⁰ This is just one example of how tenure significantly influences the home space; it governs the household itself. An owner-occupier is at liberty to determine whether they live alone, with friends or family, or even have a lodger. A tenant may also have the power to determine their household, but for many this is not the case.⁷¹ A tenant with an AST in London (like my participants) is more likely to share a property with several other individuals; they may share a kitchen or common dining area. If the household dynamic is poor or indifferent, it challenges the enjoyment or even possibility of the home space. Tenure directly dictates the household parameters and thus directly influences an individual's experience of home. For private tenants, the influence is much more pronounced and more

⁶⁵ See: R. E. Pahl (1984), *Divisions of Labour* (Oxford: Basil Blackwell)

⁶⁶ Ellickson (2006), p.130

⁶⁷ *Ibid*

⁶⁸ Ellickson (2010)

⁶⁹ *Ibid*, p.128

⁷⁰ See Chapter 7

⁷¹ My participants did not have a choice regarding household; see Chapter 6

likely to negatively impact their home. For homeowners, by contrast, tenure largely equips them with the level of control that may enhance, rather than limit, their experience of home. This may not be the case for all homeowners; for example, those struggling with mortgage payments may house a lodger. As with students, this act of sharing is not necessarily a choice, but borne out of financial necessity.

The Gendered Home

The home is often considered not only a shared space, but a gendered space.⁷² During the 1970s and 1980s many feminist writers criticised the home, labelling it as a space that encourages patriarchal tyranny.⁷³ Historically, women share a different relationship with the home than men.⁷⁴ A woman's role was within the private sphere; the parameters of their existence aligned with the boundaries of their home. Women had no purpose beyond their domestic four walls. The home was not a prison in the sense that they could not leave; however, it did govern their identity. A woman's relationship with home may not necessarily have been negative, but it was certainly different to their male counterparts, and inherently defined by their gender. Darke recognises that the home may be considered a feminine space because of the gendered dynamic; it is a space created and maintained traditionally by women, and yet the power balance does not always reflect this.⁷⁵ The home was a feminine space governed by a masculine figurehead.

This is not to suggest that a woman's role was not valued. On the contrary, rearing children and maintaining the home were considered a staple of society; again, this relates to State marketing and the social and economic benefits of a self-sustaining society.⁷⁶ Regardless, it cannot be denied that women lacked opportunities and autonomy. Women could not engage with the public; they were relegated to the private. The domestic realm was theirs to control, but only so much as it suited their male counterparts, and the rest of society.⁷⁷ Contemporary households do not conform so rigidly to a gendered dichotomy, yet the shadows of the past remain.⁷⁸ Women are still more likely to be responsible for the home and the rearing of children; men are still more likely to work full time and have a higher wage.⁷⁹ Mallet argues that 'more recent research on gender, work and home has challenged the somewhat narrow

⁷² Matrix Book Group (1984), *Making space: Women in the man-made environment* (London: Pluto Press)

⁷³ S. Mallett (2004), p.75

⁷⁴ P. Hunt (1995), 'Gender and the construction of home life', in S. Jackson & S. Moores (Eds.), *The politics of domestic consumption* (Hemel Hempstead: Prentice Hall/Harvester Wheatsheaf), pp. 303-313

⁷⁵ J. Darke (1994), 'Women and the meaning of home', in R. Gilroy & R. Woods (Eds.), *Housing women* (London: Routledge)

⁷⁶ Madigan et al (1991)

⁷⁷ A. Oakley (1974), *The sociology of housework* (London: Martin Robertson)

⁷⁸ J. Finch (1989), *Family obligations and social change* (Cambridge: Polity)

⁷⁹ Survey of Earnings in the UK 2018, available at:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2018> [accessed August 2019]

view of home as a private, domestic and female realm where reproductive rather than productive work occurs.⁸⁰ She argues that women are more likely to undertake paid work at home and thus the boundary between private and public becomes less defined. Men, too, may work from home, although this is usually work that may be taken from the employment environment and completed at home. Women, by contrast, are more likely to utilise their domestic domain as a place of work with jobs such as nursing, caring and childminding.⁸¹ This introduces yet another level to the home: home as a place of work and employment.⁸² Mallett refers to this as ‘the double burden experienced by women.’⁸³ The use of the term ‘burden’ is interesting, representing the working home as a negative load to be carried by women. For many women, the opportunity to work at home is far from negative. It allows for employment in a comfortable, safe environment as well as the opportunity for women to stay at home with their children if they so wish. Critics may focus on the fact that the problem is that women are more likely to carry this ‘double burden’ than men, however the opportunity for flexible work is to be encouraged.

Home may be a place for work, but for some it is a place for violence. Victims of domestic violence and abuse do not experience home in the positive manner that it is often represented; they may not even experience home at all. Rather than a place to escape to, free of the public eye, the home becomes a place to escape *from*. Both my doctrinal and empirical research suggest that home is a physical and emotional point of orientation (see below and Chapter 7). Home is an individual’s base; it requires a leave and return element, and more specifically, a desire to return. Victims of domestic violence do not feel the same feelings of attachment or desire to return home.⁸⁴ For some, they may not have the option to leave in the first place. One of the most foundational elements of home is that it is a safe space, hence the need for shelter; do victims of domestic violence have a home at all? Rather, it could be argued that they are homeless; they occupy a house, but not a home.⁸⁵ This is explored more with reference to the concept of homemaking and unmaking, below. Although victims of domestic violence may be any gender, women remain the most likely victims and are twice as likely to experience it in their lives.⁸⁶

⁸⁰ Mallett (2004), p.76

⁸¹ K. Kiernan (1992), ‘Men and women at work and home’, in *British social attitudes*, ninth report (Aldershot: Dartmouth Press), p.90-111

⁸² H. Z. Lopata (1971), *Occupation housewife* (New York: Oxford University Press)

⁸³ Mallett (2004), p.76

⁸⁴ Wykes & Welsh (2009), p.133

⁸⁵ R. Dobash & R. Dobash, (1992), *Women, violence and social change* (London: Routledge)

⁸⁶ Crime Survey for England and Wales 2018, available:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018#prevalence-of-domestic-abuse> [accessed August 2019]

A Private Haven

Although an estimated 2 million people in England and Wales experience domestic abuse each year⁸⁷, the home is still conceptualised as a safe place. Moore points out that home is often depicted as a haven or refuge.⁸⁸ The physical dimension of the home (the house or variation thereof) allows for safety, security and protection. It is a space where individuals rejuvenate and relax. It is a place for family, friendship and romance. It is inherently personal. This amalgamation creates the justification for the label of 'haven' or 'refuge'.⁸⁹ Of course, these terms are not interchangeable. The latter suggests that the individual in question may need refuge, and although the former is also related to sanctuary, the need for safety is less pronounced. Further, the similarities between 'haven' and 'heaven' cannot be ignored. To many, a haven is not just a place of safety but a place of comfort; enjoyment; even pleasure.⁹⁰ It can act as a refuge from the demands of modern day society – although as previously stated, the home can also function as a space of employment, and this makes home as refuge potentially problematic.⁹¹ Canter investigates home in relation to the psychology of place, especially with respect to the personal and social meanings and physical form of places.⁹² He recognises home as a place for personal and social activities⁹³; to satisfy this, home also needs to be a place of safety and privacy.

Moore emphasises the home as important for satisfying the need for a space to retreat and relax.⁹⁴ The concept of retreat is important as it establishes a clear boundary between inside and outside.⁹⁵ The home is a limited space with identifiable boundaries. The individual must be able to identify their home space, and that the public space exists beyond it. Hollander believes the interplay between the home and that beyond it is a key part of its anatomy.⁹⁶ This view establishes home as a circle within a set of concentric circles. Beyond the home circle is the street; town; city; nation; world. Hollander believes that each circle acts as 'an inalienable part of us' and that to be deprived of any circle, 'man would be deprived of himself, of his humanity'.⁹⁷ It is important to note, however, that the circles are represented as separate. An individual will experience and navigate each ring, but not simultaneously.

⁸⁷ *Ibid*

⁸⁸ J. Moore (2000), 'Placing Home in Context', *Journal of Environmental Psychology*, Vol. 20(3), pp.207-217

⁸⁹ Manzo (2003)

⁹⁰ Goldsack (1999)

⁹¹ This is particularly important in feminist reading, for example: Gilman (1980) and A. Phizacklea & C. Wolkowitz (1995), *Home-working Women: Gender, Racism and Class at Work* (London: Sage)

⁹² D. Canter (1977), *The Psychology of Place* (London: Architectural Press)

⁹³ *Ibid*, see also: D. Canter (1984), 'The purposive evaluation of places: a facet approach', *Environment and Behaviour*, Vol.15, pp.659-698

⁹⁴ Moore (2000)

⁹⁵ J. Wardhaugh (1999), 'The Unaccommodated Woman: Home, Homelessness and Identity', *Sociological Review* Vol.47(1), pp.91–109. Also, see: I. Altman & C. M. Werner (1985), (eds.), *Home Environments* (New York: Plenum Press)

⁹⁶ J. Hollander (1991), 'The Idea of a Home: A Kind of Space', *Social Research*, Vol.58(1), pp.31–49

⁹⁷ *Ibid*

The home may geographically align the individual with their town and country etc, but the behaviours and mental state is very different.

Home is also important to physical and mental health.⁹⁸ If an individual is sick or wounded, they either stay in a hospital or in their home; for most instances, it is usually the latter. Home is therefore inherently linked with healing and rejuvenation.⁹⁹ Moreover, it is a space that is free from scrutiny and therefore embarrassment.¹⁰⁰ The home is a place to take care of bodily functions and enjoy sexual relations, shielded from the public eye. Protection from societal pressures is as important as other, physical threats. The importance of home in relation to mental health cannot be overstated. This relates to Goffman's 'front' and 'back' behaviours.¹⁰¹ An individual needs a place to let their guard down, safe from public pressures and judgement. Goffman characterises a 'back' space as 'typically out of bounds to members of the audience'¹⁰². The home is not just a physical refuge, but a mental one. There is, however, some concern regarding the onset of the online and social media age, and how this relates to Goffman's behaviours.¹⁰³ The home is no longer an entirely private realm.

The elements of privacy and haven are entirely subject to tenure and the household dynamic. Private tenants are less likely to experience the levels of privacy enjoyed by owner-occupiers. The latter can regulate access to their home as well as other elements of privacy, such as the choice of fences or blinds. The same applies to security. Most tenants, by contrast, are subject to the decisions of their landlord. Although sharing is common in most households, private tenants are also more likely to have to share with non-family members; privacy is less guaranteed with shared amenities. Sharing a space with a stranger is not the same as sharing with a relative or loved one, and challenges the very idea of a haven, particularly for mental rejuvenation. Goffman's 'front' and 'back' analysis cannot apply to a tenant that feels they must behave a certain way in front of their housemates. A tenant sharing with non-family members may always be 'on'¹⁰⁴ and operate at a higher level to satisfy societal scrutiny within their own home. Owner-occupiers, by contrast, may behave as they choose with less fear of the societal eye. Social media and visitors may restrict some aspects of freedom and privacy for owner-occupiers, but these are usually subject to choice and impact all tenures.¹⁰⁵

⁹⁸ J. Perry and T. Craig (2015), 'Homelessness and Mental Health', *Trends in Urology & Men's Health*, Vol.6(2), pp.19-21

⁹⁹ G. Allan & G. Crow (1989), *Home and family: creating the domestic sphere* (Basingstoke: Macmillan)

¹⁰⁰ W. R. Finighan (1980), 'Some Empirical Observations on the Role of Privacy in the Residential Environment', *Man-Environment Systems*, Vol.10, pp.3-4

¹⁰¹ Goffman (1959)

¹⁰² *Ibid*, p.124

¹⁰³ See: <http://www.everydaysociologyblog.com/2012/05/rethinking-goffmans-front-stageback-stage.html> [accessed April 2019]

¹⁰⁴ Goffman (1959), p.124

¹⁰⁵ See: <http://www.everydaysociologyblog.com/2012/05/rethinking-goffmans-front-stageback-stage.html> [accessed April 2019]

Kearns et al describe choice as important for creating a space that acts as a haven and site of autonomy.¹⁰⁶ They also identify home as important for social status. This aligns with the idea of a tenure hierarchy; Saunders argues that there is a pride in ownership that does not manifest in tenant occupiers.¹⁰⁷ Gurney suggests that this sense of pride is predicated on a societal expectation that homeowners are more likely to be 'good citizens'¹⁰⁸. Perhaps this is an extension of the issue of privacy: tenants' lives are more visible to more people, and thus may be more vulnerable to criticism. Owner-occupiers, by contrast, appear to be 'good citizens' as they live a more private lifestyle. Such notions have led to the development of groups such as Generation Rent¹⁰⁹. Their aspirations of homeownership are not entirely based on individual preference; they have been shaped by societal judgement and expectations.

Aspirations and Nostalgia

Tucker argues that 'most people spend their lives in search of home'¹¹⁰. Home is represented as an almost unattainable ideal; a nostalgic feeling or dreamlike image propagated in childhood. Tucker's rhetoric also suggests that 'most people' never actually find home. This is because the idealised version of home is often unattainable or unrealistic. The free-standing house with a garden that aligns with the Western vision of an 'ideal' home cannot be realised by everyone.¹¹¹ Further, the 'ideal' home is by no means universal; although the detached house remains a common aspiration, factors such as employment, fashion and household are all influential.¹¹² The 'ideal' home is an interesting construct, but it should not be framed in a manner that undermines an individual's relationship with their current dwelling. It could be inferred that unless the dream abode materialises, home can never be truly experienced. For many, this is not the case. An individual may aspire to live a certain way, yet this does not necessarily mean that they value their current home any less.¹¹³ This may be particularly insulting to long-term tenants that do not sympathise with the consensus. However, it must also be acknowledged that Tucker's notion of the 'search for home' could allay with many tenant experiences. It has already been stated that the childhood home is often something individuals seek to repeat for their own families; for many tenants, such

¹⁰⁶ A. Kearns, R. Hiscock, A. Ellaway & S. MaCintyre (2000), 'Beyond Four Walls: The Psycho-social Benefits of Home: Evidence from West Central Scotland', *Housing Studies*, Vol.15(3), pp.387-410, p.389

¹⁰⁷ Saunders (1990)

¹⁰⁸ Gurney (1999), p.176

¹⁰⁹ See Chapter 3

¹¹⁰ A. Tucker (1994), 'In Search of Home', *Journal of Applied Philosophy*, Vol.11(2), pp.181-187

¹¹¹ Chapman & Hockey (1999)

¹¹² *Ibid*; also, E. Shove (1999), 'Constructing Home: A Crossroads of Choices', in I. Cieraad (ed.), *At Home: An Anthropology of Domestic Space* (Syracuse: Syracuse University Press)

¹¹³ However, this was often the case for my participants; see Chapter 6

aspirations may never be possible. This may have a detrimental impact on their current home space and their perception of home overall.¹¹⁴

The portrayal of home as an idealised concept also fits particularly well with individuals that have moved great distances. Migrants have an interesting relationship with home as they are actively searching for it and may or may not find what they are looking for. Mallett argues that 'discussion on the ideal home generally focuses on nostalgic or romantic notions of home'¹¹⁵. Again, this supports the idea of individuals seeking to repeat previous, perhaps romanticised experiences, such as in childhood. The migrant may be actively searching for something that does not exist. However, journey and settling are both part of home.¹¹⁶ According to Dovey, to journey is to establish the boundaries of home.¹¹⁷ It has already been established that home may occur in more than one place. According to Levitt, this is particularly so for migrants: 'in the 21st century, more and more people will belong to two or more societies at the same time.'¹¹⁸ Levitt suggests that for migrants, home need not be their current locale; it could be their homeland, or indeed both. This is contrary to the idea that migrants may experience homelessness, or 'rootlessness'¹¹⁹, once they leave their homeland. Certainly, a migrant may not find a new place they can comfortably call home, but this should not automatically jeopardise their relationship with previous home spaces.

Further, home may not be an entirely physical place, but it is reliant on it, and influenced by the environment it inhabits.¹²⁰ This will affect the 'search' for home as it may not materialise if the conditions are not optimal. For example, the home space is less likely to occur in a war zone or a place of famine, although it may have existed prior to these events. It has already been established that food, water and safe environs are basic human needs as per Maslow's hierarchy.¹²¹ It is therefore unsurprising that an individual may leave their current dwelling if such needs are not met. This is significant as a migrant may be in search of home due to some form of displacement.¹²² Their search for a new home will inevitably begin with a search for the satisfaction of basic human needs. Whether the home space will materialise is thus secondary to, and predicated on, securing such needs. This is an important distinction to

¹¹⁴ See my empirical research and analysis for more on this.

¹¹⁵ Mallett (2004)

¹¹⁶ K. F. Olwig (1999), 'Travelling Makes a Home: Mobility and Identity Among West Indians', in T. Chapman and J. Hockey (eds), *Ideal Homes? : Social Change and Domestic Life* (London: Routledge)

¹¹⁷ K. Dovey (1985), 'Homes and Homelessness', in I. Altman & C. Werner (eds), *Home Environments* (New York: Plenum Press)

¹¹⁸ P. Levitt (2004), 'Transnational Migrants: When 'Home' Means more than One Country', *Migration Policy Institute Online Journal*, available: <https://www.migrationpolicy.org/article/transnational-migrants-when-home-means-more-one-country/> [accessed May 2019]

¹¹⁹ Somerville (1992)

¹²⁰ Tucker (1994)

¹²¹ A. H. Maslow (1943), 'A theory of human motivation', *Psychological Review*, Vol.50(4), pp.370–96

¹²² L. Fox O'Mahony & J. A. Sweeney (2010), *The Idea of Home in Law: Displacement and Dispossession* (London: Ashgate)

make as the 'search' for home may not always be a search for the ideal home: for some, the motivation may simply be survival.¹²³

The idealised notion of home may also be a byproduct of the 'grass is always greener' mentality of the human race's nomadic roots.¹²⁴ Again, home is not entirely physical but it is influenced by the physical world. The issue of a nomadic heritage raises other, interesting questions relating to the concept of home. If home is not a physical place, does it exist beyond the person at all? Perhaps home is a mentality or state of mind.¹²⁵ The common phrase 'home is where you lay your hat' does not refer to the placement of possessions. It suggests that home can manifest anywhere; home is framed as a choice and something that can be made and unmade.¹²⁶ Moreover, the place to 'lay your hat' is the place you relax and excuse yourself from society; the place to be comfortable and at ease. The hat could also be a symbol of employment, duty and the public realm. By laying it down, the individual enters the private space, and more specifically, the personal space. As Goffman suggests, home is the place an individual can 'switch off' from society.¹²⁷ This need not be one, physical space.¹²⁸ Tucker's 'search' for home in this regard may not be a pilgrimage in the external sense, but an internal enlightenment. My chosen quote for the beginning of this chapter also captures this notion: 'Perhaps home is not a place but simply an irrevocable condition.' Although I believe 'place' is an important factor for home, the idea that it is 'an irrevocable condition' is interesting. This could refer to a sense of enlightenment; a condition that cannot be reversed.

Control, Identity and Ontological Security

The idea that home may be a psychological experience is important and can be described as a feeling of ontological security. Dovey claims that 'to be at home means to know where you are; it means to inhabit a secure centre and to be oriented in space.'¹²⁹ Dovey represents the home as the 'centre' of the individual's universe. This applies in terms of geography and journey: home is the point of origin and return. An individual leaves home to go to work and returns home at the end of the day. A family goes on holiday and returns home after two weeks. It also applies psychologically. To 'know where you are' and to be 'oriented in space' is not just a physical understanding of the world but can be interpreted as a mentality. It is to achieve a status of understanding with the world beyond the self.

¹²³ D. Winch & D. Carment (1989), 'Migration and Motivation: The Migrant's Perspective', *The International Migration Review*, Vol.23(1), pp.96-104

¹²⁴ H. Barnard & W. Wendrich (2008), *The archaeology of mobility: old world and new world nomadism* (University of California)

¹²⁵ See: M. Jackson (ed.), (1995), *At Home in the World* (Sydney: Harper Perennial)

¹²⁶ See: Despres (1991) and below for more on homemaking

¹²⁷ Goffman (1959), p.124

¹²⁸ Douglas (1991)

¹²⁹ Dovey (1985), p.35

Such a status is largely predicated on some sense of control. Saunders emphasises the importance of a controlled, constant space 'in a world that might at times be experienced as threatening and uncontrollable'¹³⁰. Something as simple as choosing the décor of the house can evoke a sense of control. The physical structure of the home may chiefly act as a form of shelter, but it also allows for cultural and individual expression. Després argues that the interior design of the home acts as a reflection of the occupant's personality.¹³¹ Cooper takes this even further and argues that the home is a symbol of the self.¹³² An individual has very few outlets for creative expression, particularly outlets that are shared with others. The body itself is one such example; the home another. This makes for an interesting parallel as the body is the purest representation of the self in the physical world. The next best representation is the place of abode. Radin's theory of property and personhood states that to be a person, an individual must be able to exercise control over resources in their external environment.¹³³ The home is a space that allows and encourages that element of control; per Radin's theory, the home creates a gateway to personhood.

This complements Darke's assessment that 'the home is typically understood as a space that offers freedom and control'¹³⁴. Mallett also suggests that 'home starts by bringing some space under control'¹³⁵. The home space is a controlled space; the latter is arguably a prerequisite for the former. Yet the sense of control extends beyond personalisation of a property. Occupiers will largely control the property threshold and determine whether other individuals may enter. They also govern the activities that occur within. The element of control helps to create the sense of home as a haven; the occupier feels safe within their bubble of sovereignty. This relates to Giddens' representation of home as a place that evokes 'a feeling of ontological security', defined as 'a sense of reliability on persons and things'¹³⁶. However, owner-occupiers may be subject to a mortgage, or even have landlord responsibilities; their control may not be as extensive as one might assume.¹³⁷ They may also need to compromise with neighbours and maintain good relationships, which is less likely to be the case for short-term tenants. Tenants are largely subject to the decisions of their landlords and enjoy less overall control than homeowners. The sense of control may also be diminished further if sharing is prevalent. Sharing introduces a level of compromise that inevitably influences the level of control enjoyed by tenant occupiers.

It has already been established that home is a multidimensional, foundational need. Giddens' focus on 'reliability' introduces a new, temporal element to the concept. Giddens effectively highlights that there is correlation between home and time; this seems to support the idea

¹³⁰ Saunders (1990), p.361

¹³¹ Mallett (2004), quoting Després (1991), p.82

¹³² C. Cooper (1995), *The House as Symbol of the Self* (California: Canari Press), p.60

¹³³ M. J. Radin (1982), 'Property and Personhood', *Stanford Law Review*, Vol.34, pp.957-1015, p.987

¹³⁴ Darke (1994)

¹³⁵ Mallett (2004)

¹³⁶ Giddens (1991), p.38

¹³⁷ This is particularly relevant for members of Generation Rent. They aspire to homeownership often without experience or understanding of the commitment involved; this is explored more in my empirical research.

that home is a relationship between a person and their dwelling. The more time a person spends in a property increases the likelihood of the home space developing. Moreover, as with human relationships, the home requires trust, another factor that correlates with time. The home space is not simply dependent on length of occupation, but the ability to *rely* on the length of occupation: this evokes the necessary 'sense of reliability'. Yet not all occupiers experience 'a sense of reliability' with their relationship with a property. For example, a tenant may have very little security of tenure; they may have a rolling contract with their landlord, with very little guarantee for future occupation.¹³⁸ In this regard, Saunders hypothesised that owner-occupiers would experience a greater sense of ontological security than tenants.¹³⁹ At first, this may appear to challenge the tenant experience of home. However, the analysis introduces the idea that ontological security, as well as other factors of home, can be viewed as a gradient of experiences, rather than a tick-box evaluation. This is an important perspective as it recognises the many different experiences of home. It must be noted that homeowners also face some risks to their ability to stay in their home such as defaulting on their mortgage or even compulsory purchase. Nonetheless, tenants with ASTs experience greater insecurity overall.¹⁴⁰

Of course, it must also be noted that ontological security is central in the home space, yet it is not exclusive to it. An individual may experience the sensation on holiday, or whilst staying with friends; the sense of trust may develop not entirely due to temporal guarantee. Such an assessment risks categorising a much wider variety of relationships under the label of 'home'. Significantly, it may also shed light on the notion of a 'home away from home', a sentiment that often describes the feeling of ontological security in a place other than the permanent home space. Significantly, this experience is transient. A 'home away from home' may only exist if the individual has a permanent, primary home to return to. The importance of a permanent dwelling is reaffirmed by Giddens' suggestion that the 'reliability' must also exist in 'things'. Again, it is important to recognise that the home space can be a fluid and highly subjective experience. There is no universal equation, but there are identifiable commonalities that help to define and identify the experience of home and the space it inhabits. Not all the elements of home are easily identifiable from an outside perspective. Chapter 5 explores how the case law has approached the tangible and intangible components of home.

In law, the length of occupation and the promise thereof is known as security of tenure. If it is 'a sense of reliability' in the dwelling-place that allows the home space to manifest, then security of tenure is extremely important. It is imperative that the inhabitants are able to trust their ongoing relationship with the property. Dupius and Thorns theorise that the most central element of home is a sense of constancy.¹⁴¹ Yet constancy is subject to the conditions

¹³⁸ For types of tenancies, and a more detailed discussion thereof, see Chapter 3

¹³⁹ Saunders (1990), p.390

¹⁴⁰ See Chapter 3 for more information on ASTs and s.21 notices

¹⁴¹ A. Dupius & D. Thorns (1998), 'Home, home ownership and the search for ontological security', *Sociological Review*, Vol.46(1), pp.24-47

of tenure. Security of tenure also impacts other elements of home, for example, personalisation is less likely to happen without some guarantee of longevity. Radin's theory of property and personhood reflects the importance of individual control on the external environment¹⁴²; but what if the necessary control is absent? How does this influence the tenant identity, both in terms of social perception and individual experience? There can be little doubt that a greater sense of control contributes to a more engaging experience.¹⁴³ The home is, as Rapoport describes, life's 'anchor'¹⁴⁴; this complements Dovey's representation of home as a point of orientation. Such perceptions appear to be founded on the idea that the home space has some promise of permanence. If such promise is minimal or absent, what does this say about the tenant experience of home? Regardless, the themes of control and ontological security highlight the importance of security of tenure in the home experience, particularly in relation to private tenants. This suggests that security of tenure is a prime example of how law influences the experience of home. It is also problematic given the decrease in security of tenure introduced by the Housing Act 1988.¹⁴⁵ The importance of security of tenure, and how this impacts the legal concept of home, is explored more as an emerging finding throughout the following chapters and with reference to my empirical investigation.¹⁴⁶

Making and Unmaking Home

This chapter analyses the psycho-social construct of home and also recognises the importance of shelter; the physicality of home such as the house (or other variant). Recent literature has explored the notions of making and unmaking home, particularly in relation to homelessness, migrants and victims of domestic violence. Such literature often criticises the association between safety and security and the concept of home, as well as the importance of the physical home (or house) in general. The scholarship suggests that homemaking and unmaking may not necessarily require a house but can occur in public areas such as the streets or impermanent housing such as hostels. Instead of the house, the focus shifts to other tangible elements including mementos, objects and 'things'; materiality becomes a central aspect of homemaking and unmaking, allowing the home space and home experience to occur in a much wider category of places. This section explores these concepts of making and unmaking home, and how they interact with the more traditional approaches to home.

¹⁴² Radin (1982)

¹⁴³ Saunders (1990)

¹⁴⁴ A. Rapoport (1995), 'A critical look at the concept of "home"', in: D. N. Benjamin, D. Stea & D. Saile (eds) (1995) *The Home: Words, Interpretations, Meanings and Environments* (Aldershot: Ashgate), pp.25-52

¹⁴⁵ See Chapter 3 for more

¹⁴⁶ See Chapter 7

Homelessness has traditionally indicated the absence of home.¹⁴⁷ It is socially and politically represented as a negative condition and carries ‘a stigmatizing set of beliefs and values’¹⁴⁸. Veness suggests that the stigma is a result of the dominance of domesticity in Western culture and that the definitions of ‘homelessness’ are inhabited by normative definitions of home.¹⁴⁹ Similarly, McCarthy takes issue with using one experience to define the other.¹⁵⁰ She criticises Somerville’s ‘signifiers of home’¹⁵¹ as a continuation of the positioning of home and homelessness as opposites, rather than as a scale or amalgamation.¹⁵² She states:

It is imperative for understandings of homelessness to incorporate the complexity of the term around which it is structured: that of ‘home’. In positivist models, the terms ‘home’ and ‘homelessness’ are pitted against each other, so that ‘homelessness’ means its literal translation; the lack of ‘home’¹⁵³

McCarthy prefers to consider home and homelessness on a scale of experiences. However, such a scale still places the two as opposites, with home taken to be the desirable and even presumed condition. Despite this, she also argues that ‘[h]ome relies on homelessness to construct and define itself’¹⁵⁴. The problem here is clear; each term is used to define the other.

Homelessness is perhaps more accurately described as ‘the absence of fixed, regular, and adequate housing’¹⁵⁵. Such an understanding may be more precisely described as ‘houselessness’ or ‘rooflessness’¹⁵⁶ as the individual does not have a physical place to live, but they may still experience home in an emotional or psychological manner. Moore argues that ‘it is as possible to feel out-of-home whilst living in permanent and stable accommodation as it is to find small pockets of home whilst on the street’¹⁵⁷. Similarly, McCarthy suggests that one can feel ‘home-ful’ in officially defined ‘homeless’ spaces, such as a hostel.¹⁵⁸ Newton explained the sense of ‘being at home’ in the context of Giddens’ ontological security, and that people living in caravans could experience this as long as they felt safe and secure.¹⁵⁹

¹⁴⁷ L. D. Harman (1989) *When a Hostel Becomes a Home: Experiences of Women* (Toronto: University of Michigan, Garamond Press)

¹⁴⁸ S. A. Kidd & J. D. Evans (2011), ‘Home is where you draw strength and rest: The meanings of home for houseless young people’, *Youth & Society*, Vol.43(2), pp. 752–773, p.755

¹⁴⁹ A. R. Veness (1993), ‘Neither homed nor homeless: Contested definitions and the personal worlds of the poor’, *Political Geography*, Vol.12, pp.319–340.

¹⁵⁰ L. McCarthy (2018), ‘(Re)conceptualising the boundaries between home and homelessness: the unheimlich’, *Housing Studies*, Vol.33(6), pp.960–985

¹⁵¹ Somerville (1992)

¹⁵² McCarthy (2018)

¹⁵³ *Ibid*, p.960

¹⁵⁴ *Ibid*, p.963

¹⁵⁵ D. A. Snow & L. Anderson (1993) *Down on their luck: A study of homeless street people* (Berkeley: University of California Press)

¹⁵⁶ Somerville (1992)

¹⁵⁷ J. Moore (2007), ‘Polarity or integration? Towards a fuller understanding of home and homelessness’, *Journal of Architectural and Planning Research*, Vol.24(2), pp. 143–159, p.152

¹⁵⁸ McCarthy (2018), p.974

¹⁵⁹ J. Newton (2008), ‘Emotional attachment to home and security for permanent residents in caravan parks in Melbourne’, *Journal of Sociology*, Vol.44(3), pp. 219–232

Such ideas are connected to the ideas of homemaking and unmaking. Homemaking is understood as the 'suturing of social relationships, identities, and materialities into a place called home'¹⁶⁰. It is a process undertaken by all housing consumers, although the extent of homemaking and unmaking may differ across the housing categories. For example, a homeowner may build an extension on their home so that it is better suited for their growing family. Tenants and homeless people are unable to engage in such extensive homemaking practises, but their activities are no less meaningful. For the homeless, the focus shifts from the physical house; their homemaking is connected to smaller objects and mementoes. The literature suggests that homeless people can make and unmake home in as significant a manner as individuals with fixed addresses; moreover, their more nomadic lifestyles mean that they engage with the practices more often.¹⁶¹

This chapter has demonstrated how home can be a symbol of the self and a place to assert one's identity. Jacobs and Malpas argue that home is a place for 'self-formation' but that the place one calls home is simply the 'most salient and significant externalisation of the self'¹⁶², effectively including all types of home experiences. For the homeless, the externalisation of the self is achieved not by asserting control over a dwelling-house, but smaller objects. Objects are the repositories of meaning, memory, and identity.¹⁶³ They have an inherent capacity to elicit meaning, and encounters with objects are dynamic and changing.¹⁶⁴ This means that objects and 'things' can have 'special significance for the homeless'¹⁶⁵; possession of souvenir objects is itself a performance of homemaking.¹⁶⁶ Instead of typical consumer products, homeless people value more 'sacred' items that represent different memories, relationships or religious beliefs.¹⁶⁷ As they often live more itinerant lives, the possession of emotive objects can help to combat a sense of dislocation.¹⁶⁸ Placement of special objects can help to create new homes and maintain memories of old homes; they encapsulate home as a feeling and reduce sentiments of being 'unhomed'¹⁶⁹. The anonymity of places such as hostels or even the streets can be mastered and personalised; they become a home.¹⁷⁰ As stated by Digby: 'the accumulation of apparently worthless, unsorted objects in the shopping

¹⁶⁰ R. Baxter & K. Brickell (2014), 'For Home Unmaking', *Home Cultures*, Vol.11(2), pp.133–143

¹⁶¹ R. P. Hill (1991), 'Homeless women, special possessions, and the meaning of 'home': An ethnographic case study', *Journal of Consumer Research*, Vol.18(3), pp. 298–310

¹⁶² K. Jacobs & J. Malpas (2013), 'Material objects, identity and the home: Towards a relational housing research agenda', *Housing, Theory and Society*, Vol.30(3), pp.281–292, p.285

¹⁶³ D. Sayer (2004), 'Incognito Ergo Sum: Language, Memory and the Subject', *Theory, Culture and Society*, Vol.21(6), pp.67–89

¹⁶⁴ Jacobs & Malpas (2013), p.283

¹⁶⁵ Hill (1991), p.308

¹⁶⁶ D. Miller (2001), *Possessions: Material Culture behind Closed Doors* (Oxford: Berg)

¹⁶⁷ Hill (1991), p.308

¹⁶⁸ S. Digby (2006), 'The casket of magic: Home and identity from salvaged objects', *Home Cultures*, Vol.3(2), pp. 169–190, p.185

¹⁶⁹ J. May (2000), 'Of Nomads and Vagrants: Single Homelessness and Narratives of Home as Place', *Environment and Planning D: Society and Space*, Vol.18, pp.737–59.

¹⁷⁰ Digby (2006), p.185

carts of the homeless can be viewed as the fundamental components of home, lacking only mapping in a (larger) place.¹⁷¹

Possession and placement of objects can be considered as separate acts of homemaking. Possession gives an object meaning, but that meaning can be changed and even enhanced by its placement.¹⁷² Historically, mantelpieces were considered to be the focal point of a living room; objects placed there were imbued with status.¹⁷³ New homes no longer need fireplaces but are often still built with modern versions, representing the need for home storytelling.¹⁷⁴ The homeless may not have the luxury of a mantelpiece, but the act of placing possessions where and how they choose is important and even empowering; Hurdley suggests that individuals who are often conceptualised only as consumers become producers of meaning through the creation and ownership of domestic stories.¹⁷⁵ Hurdley also argues that the act of 'domestic display'¹⁷⁶ is integral to the making of identity: 'by narrating stories about and around the objects they display in their homes, individuals can account for identities that otherwise might not be immediately present or presentable'¹⁷⁷. A study by Moore et al of over 500 homeless people revealed that the arrangement and display of personal possessions can contribute to the sense of home.¹⁷⁸ The act of placement establishes a person's identity within a space and effectively makes it their place.¹⁷⁹ Kidd and Evans argue that by 'establishing these alternative ways of living, the homeless not only challenge mainstream definitions of home as a permanent, fixed residence but urban domesticity'¹⁸⁰. Cloke et al agree, highlighting how 'at home' activities can be played out in visible urban spaces and further break down public/private and home/homelessness dichotomies.¹⁸¹ Even so, homemaking in public is often 'viewed as a form of urban disorder'¹⁸².

Despite the fact that homeless people may undertake homemaking practices on the streets, Parsell argues that public places are still 'experienced as the antithesis of home'¹⁸³. The combination of a difficult lifestyle and societal perception can mean that the home experience

¹⁷¹ Digby (2006), p.186

¹⁷² N. Thomas (1991), *Entangled Objects: Exchange, Material Culture, and Colonialism in the Pacific* (Cambridge: Harvard University Press), p.125

¹⁷³ R. Lawrence & T. Chris (1996), *The Period House: Style, Detail and Decoration 1744 to 1914* (London: Phoenix Illustrated)

¹⁷⁴ R. Hurdley (2006), 'Dismantling mantelpieces: Narrating identities and materializing culture in the home', *Sociology*, Vol.40(4), pp. 717–733, p.720

¹⁷⁵ *Ibid*, p.718

¹⁷⁶ *Ibid*

¹⁷⁷ *Ibid*, p.729

¹⁷⁸ J. Moore, D. Canter, D. Stockley & M. Drake (1995), *The Faces of Homelessness in London* (Aldershot: Dartmouth)

¹⁷⁹ Digby (2006), p.184

¹⁸⁰ S. A. Kidd & J. D. Evans (2011), 'Home is where you draw strength and rest: The meanings of home for houseless young people', *Youth & Society*, Vol.43(2), pp. 752–773, p.755

¹⁸¹ P. Cloke, J. May & S. Johnsen (2010), *Swept up Lives? Re-envisioning the Homeless City* (Oxford: Wiley-Blackwell)

¹⁸² Kidd & Evans (2011), p.755

¹⁸³ C. Parsell (2012), 'Home is where the house is: The meaning of home for people sleeping rough', *Housing Studies*, Vol.27(2), pp. 159–173, p.160

is undermined. Parsell suggests that for the homeless, 'home mean[s] housing' or rather that 'housing [is] required to experience home'.¹⁸⁴ This is despite the fact that a study by McCarthy found that the homeless search for, and do find, associations of home outside of bricks and mortar.¹⁸⁵ However, McCarthy's study focuses on homeless institutions such as hostels, but not the streets. The conflicting accounts demonstrate not only the subjective nature of home but reaffirm the importance of shelter. McCarthy seeks to deconstruct traditional notions of home as a domestic dwelling, but her study reinforces the fact that shelter is a foundational and necessary aspect of home, albeit in many different forms.¹⁸⁶

Homemaking may be considered by some to be the 'underlying goal of all housing processes'¹⁸⁷ but Baker and Brickell argue that home unmaking is as important; it is 'part of the lifecourse of all homes and is experienced by all home dwellers at some point in their housing biographies'¹⁸⁸. Home unmaking is not the 'antithesis of all housing processes'¹⁸⁹ and can be distinguished from 'domicide' or 'the deliberate destruction of home'¹⁹⁰. Rather, it is 'the precarious process by which material and/or imaginary components of home are unintentionally or deliberately, temporarily or permanently, divested, damaged or even destroyed'¹⁹¹. A biography of home is a story of its making and unmaking.¹⁹² Myerson conceptualises home as a place of comings and goings, of living and dying, of moving in and moving out, of material decay and repair.¹⁹³ Home unmaking is therefore not necessarily a negative process, but part of the larger home cycle.¹⁹⁴ An example of home unmaking is the placing of possessions into storage. This can occur within the dwelling or items may be taken to an external facility. Burrell identifies how some individuals relieve themselves of objects and possessions as an act of resistance and hope. Possessions are 'exiled into storage'¹⁹⁵ as a future investment; they will be placed in a better home in the future. Home unmaking is therefore not a straightforward rejection of home; the focus on agency adds nuance and complexity to home unmaking events and shows how homemaking and unmaking practices are mutually constitutive.¹⁹⁶

¹⁸⁴ *Ibid*

¹⁸⁵ McCarthy (2018)

¹⁸⁶ *Ibid*, p.976

¹⁸⁷ R. Dayaratne & P. Kellett (2008), 'Housing and Home-making in Low-income Urban Settlements: Sri Lanka and Colombia', *Journal of Housing and the Built Environment*, Vol.23(1), pp.53–70, p.55

¹⁸⁸ Baxter & Brickell (2014), p.135

¹⁸⁹ *Ibid*, p.134

¹⁹⁰ D. Porteous & S. Smith (2001) *Domicide: The Global Destruction of Home* (Montreal and Kingston: McGill Queen's University Press), p.12

¹⁹¹ Baxter & Brickell (2014), p.134

¹⁹² *Ibid*, p.140

¹⁹³ J. Myerson (2005) *Home: The Story of Everyone Who Ever Lived in Our House* (London: Harper Perennial), p.91

¹⁹⁴ Baxter & Brickell (2014), p.141

¹⁹⁵ K. Burrell (2014), 'Spilling Over from the Street: Contextualising Domestic Space in an Inner City Neighbourhood', *Home Cultures*, Vol.11(2), pp.145-166, p.161

¹⁹⁶ Baxter & Brickell (2014), p.139

Baxter and Brickell argue that home unmaking is a critique of the centrality of homemaking in literatures on home and the taken-for-granted idea that 'home is made'.¹⁹⁷ The associated words 'construct' and 'build' suggest that homemaking is a process that is exclusionary of the state or condition of homelessness. This section has already demonstrated that homemaking is indeed a process, but not one that excludes the homeless. Still, homemaking is more complicated without a dwelling due to the lack of security. Without security, important objects can be moved, damaged or taken, with the result that stories associated with objects are contaminated. Consequently, homemaking literature is critical of the strong associations between home and shelter, with shelter representing a fixed address. Throughout the scholarship, home is considered a particularly significant type of place, but Massey challenges the idea of 'home' as bounded and settled, and instead argues that home is a nodal point, open to, and created by, the social relations which extend beyond them.¹⁹⁸ Mallett also recognises that nomadic and indigenous people often associate home with the land and spaces in nature, and lack the preoccupation with dwellings that is more common in Western communities.¹⁹⁹ For those who travel extensively, home is less important as a physical place and more as the feeling it elicits.²⁰⁰

The criticisms surrounding the importance of house to home are significant and appear to undermine the importance of shelter overall. However, as stated by Easthope, representing 'house' as a physical structure and 'home' as a social, cultural and emotive construct is a false dichotomy.²⁰¹ The relationship between house and home is far more complicated, demonstrated by the issues with terminology around homelessness. However, the literature does not undermine the importance of shelter as a theme of home. This chapter recognises that home requires a physical element, but that it need not be a 'house', supporting the argument by McCarthy that home can be experienced beyond the typical dwelling. Central to home are the foundational elements of survival; without a form of shelter, the home fails. This thesis does not seek to undercut individual autonomy; some individuals may prefer to live on the streets than seek help from governmental or charitable organisations.²⁰² However, their experiences of home are less fulfilling than those in fixed accommodation, and this is inherently linked to their access to shelter. This is demonstrated by Parsell's study that found that for the homeless, 'home mean[s] housing'²⁰³, or perhaps more accurately, home means shelter.

It cannot be denied that access to shelter does not guarantee positive home experiences. Moreover, it can act as a dangerous mask for the so-called 'hidden homeless'. Homeless, or indeed 'roofless' individuals, lack home in a physical sense but may still experience home in

¹⁹⁷ *Ibid*

¹⁹⁸ D. Massey (1992), 'A Place Called Home', *New Formations*, Vol.7, pp.3–15.

¹⁹⁹ Mallett (2004)

²⁰⁰ Kidd & Evans (2011), p.754

²⁰¹ H. Easthope (2004), 'A place called home', *Housing, Theory and Society*, Vol.21(3), pp. 128–138, p.137

²⁰² See, for example: 'Homeless by Choice? Some Choice' (1984) *New York Times*, p. A24.

²⁰³ Parsell (2012), p.160

some capacity. For victims of domestic violence, the reverse can be true. Although they may have a physical place to call home, the domestic violence that takes place within the house means that they do not experience home. They are homeless in a different, but no less significant, manner. Indeed, there is now broad consensus that 'homelessness' does not just apply to the statutory homeless and individuals characterised as rough sleepers.²⁰⁴ There are many types of hidden homelessness including individuals living in temporary or inadequate accommodation such as so-called sofa-surfers.²⁰⁵ Academic literature also recognises that individuals can be 'homeless at home'.²⁰⁶ This happens when a person has somewhere to live, even a place they consider home, but their home experience is thwarted by an external force. For example, homelessness at home may be experienced when struggling to pay bills²⁰⁷, when living with abuse and domestic violence²⁰⁸ or when subject to the 'imposition of heterosexual norms and assumptions'²⁰⁹.

Understandings of the hidden homeless has led to criticism on the conceptualisation of home as a term used to 'convey and represent something positive' and that is 'held in high regard'.²¹⁰ For people living with domestic violence, the idea that home is a positive place and linked with safety is problematic.²¹¹ Price argues that 'the ideological scripting of home as intimate and safe makes violence against women difficult to see'²¹². Because home carries connotations of safety, it is *presumed* to be a safe space; victims of domestic violence may be overlooked. Price also suggests that women may tolerate abuse so that the home does not collapse and convey failure to outsiders.²¹³ Price criticises the ideology of home as failing victims, but the solution to this situation is unclear. Home is intended to be a safe space. Further, it is a private space. The violence is 'difficult to see' because the home is, necessarily, private. For a victim to decide whether to suffer privately or publicly is no decision at all. Circumstances involving domestic violence are complex, but to strip a victim of their privacy is to undermine their autonomy.

Recent scholarship on home demonstrates a clear bias towards approaching home mainly in positive terms.²¹⁴ Home seems to be embedded in positive feelings and affective bonds.

²⁰⁴ K. Bennett (2011), 'Homeless at home in East Durham', *Antipode*, Vol.43(4), pp.960–985

²⁰⁵ F. Klodawsky (2006), 'Landscapes on the margins: Gender and homelessness in Canada', *Gender, Place and Culture*, Vol.13(4), pp.365–381

²⁰⁶ Blunt & Dowling (2006); Kellett & Moore (2004); Wardhaugh (1999)

²⁰⁷ C. Robinson (2002), "'I think home is more than a building": Young home(less) people on the cusp of home, self and something else', *Urban Policy and Research*, Vol.20(1), pp.27–38

²⁰⁸ E. Malos E & G. Hague (1997), 'Women, housing and homelessness and domestic violence', *Women's Studies International Forum*, Vol.20(3), pp.397–409

²⁰⁹ G. Valentine (1993), '(Hetero)sexing space: Lesbian perceptions and experiences of everyday spaces', *Environment and Planning D: Society and Space*, Vol.11(4), pp.395–413

²¹⁰ Parsell (2012), p.159

²¹¹ A. Tomas & H. Dittmar (1995), 'The experience of homeless women: An exploration of housing histories and the meaning of home', *Housing Studies*, Vol.10(4), pp. 493–515.

²¹² J. Price (2002), 'The Apotheosis of Home and the Maintenance of Spaces of Violence', *Hypatia*, Vol.17(4), pp.39–70, p.40

²¹³ *Ibid*

²¹⁴ A. Rapoport (1995), 'A critical look at the concept home', in Benjamin and Stea. pp. 25–53.

More negative feelings, for instance those associated with broken families or domestic violence, have traditionally received less attention in academic literature, with few exceptions.²¹⁵ Moore championed a 'need to focus on the ways in which home disappoints, aggravates, neglects, confines and contradicts as much as it inspires and comforts'²¹⁶. Gurney argued that this was necessary as a means of combating 'malestream positivism' that disregarded women's voices.²¹⁷ Portrayals of home as a less positive place have become more common in the recent scholarship. Once heralded as a site of safety and familiarity, the home is now seen as a far more problematic construct.²¹⁸ Blunt and Dowling proposed a 'critical geography of home' to move beyond a binary of exclusionary or idealised space to 'show the ambiguity of this *spatialized* and *politicized* space'.²¹⁹ Some academics have also criticised the link between home and control, or rather, housing and control; for individuals subject to abuse and oppression, their houses are not necessarily a place where they can control their lives.²²⁰

Literature criticising home as a positive and safe place is confusing and complex. Harker argues that homelessness, discrimination and domestic violence problematise spaces that count as a home.²²¹ But should the homes of people experiencing homelessness, discrimination and domestic violence be characterised as homes? If home is categorically a safe and positive space, then individuals that experience the opposite are essentially homeless. This then raises the issues of subjectivity and sovereignty. Home is a feeling or experience that people actively create or strive to achieve.²²² To argue that individuals do not experience home because they face difficult circumstances is an exercise of ignorant assumptions and victim-muting. An individual should not be presumed homeless within a challenging home environment; homemaking is an autonomous exercise. This has led to the scholarship that seeks to challenge the positive bias around home as a concept. However, this is arguably not the answer. Home *is* defined as a safe and positive place; to characterise it as anything less is to undermine its definition and value within society. Supporting this notion is the relationship between home and aspirations. Within Parsell's study, home *was* housing, or at least dependent on it. Parsell found that home is a 'powerful ideal' and that 'people in [the] study interpreted this ideal and made sense of it with reference to individual

²¹⁵ H. Coolen & J. Meesters (2012), 'Editorial special issue: House, home and dwelling', *Journal of Housing and the Built Environment*, Vol.27(1), pp. 1–10, p.3

²¹⁶ Moore, (2000), p.213

²¹⁷ C. M. Gurney (1997) ' "...Half of me was satisfied": Making sense of home through episodic ethnographies', *Women's Studies International Forum*, Vol.20(3), pp. 373–386, p.382

²¹⁸ K. Brickell (2012), "'Mapping" and "doing" critical geographies of home', *Progress in Human Geography*, Vol.36(2), pp. 225–244, p.225

²¹⁹ 2006, p.22

²²⁰ E. Peled & A. Muzicant (2008), 'The meaning of home for runaway girls', *Journal of Community Psychology*, Vol.36(4), pp. 434–451.

²²¹ C. Harker (2009), 'Spacing Palestine through the Home', *Transactions of the Institute of British Geographers*, Vol.34(3), pp.320–32, p.324

²²² P. Kellett & J. Moore (2003), 'Routes to home: homelessness and home-making in contrasting societies', *Habitat International*, Vol.27(1), pp.123–141

experiences'.²²³ Likewise, Peled & Muzicant argue that individuals never stop aspiring to achieve home.²²⁴ They describe home as a 'public commitment of normalness and participation in society' and that being homeless may be viewed and expressed as an 'abnormal' way of living.²²⁵ This also aligns with Tucker's argument that home is something that individuals are constantly searching for.²²⁶

Home is multitemporal; it is a construct compiled of past experiences, current attitudes and future aspirations. I explore this concept in greater detail with reference to Generation Rent¹ in later chapters.²²⁷ This understanding allows home to be conceptualised simultaneously as a positive ideal as well as a difficult current experience. Individuals that have complicated home lives may still experience some of the aspects of home; further, they are still capable of understanding its fundamental (positive) nature and striving towards something more 'ideal'. Parsell argues that the literature on home should not advocate for a singular or consistent meaning or theoretical perspective of home, but strive to illuminate home as subjective, partial and contingent.²²⁸ Although I would argue that home does require a multidisciplinary and cohesive approach, it is clear that home is principally subjective, and this understanding better serves individuals that are more vulnerable to violence or discrimination. A focus on homemaking and unmaking also accepts a plethora of home experiences beyond those that exist within a typical dwelling-house. McCarthy's characterisation of home experiences as a scale is therefore helpful in creating a more inclusive approach to home; home is not an all or nothing concept, but a variety of different experiences. Significantly, Generation Rent¹ fail to fully engage with homemaking practices due to their strong aspirations of homeownership. They do not wish to fully 'make' a home with an expectation that the home is temporary. This is explored more with reference to my empirical analysis.²²⁹

Summary

This chapter begins to address my first research question. It offers an insight into the concept of home across multiple academic disciplines and identifies its core themes. Based on my choice of headings in this chapter, home can be characterised as an important place that provides for the necessities for human survival, as well as a place for family, community, relaxation, privacy, aspirations and nostalgia, control, identity and ontological security. It is also arguably a gendered space, though this raises issues with other elements such as relaxation. Many of these themes correlate or overlap, and I believe they can be narrowed

²²³ Parsell (2012), p.170

²²⁴ Peled & Muzicant (2008)

²²⁵ Parsell (2012), p.171

²²⁶ Tucker (1994)

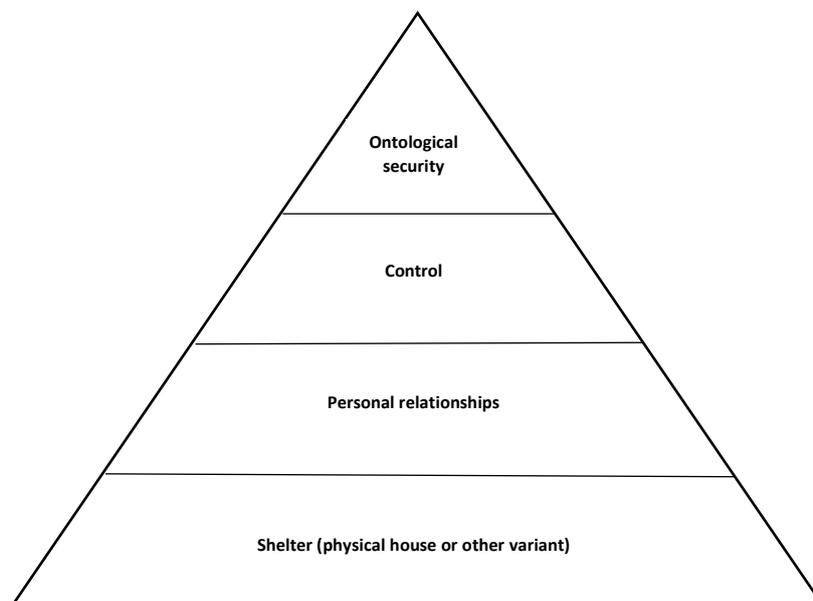
²²⁷ See Chapter 8

²²⁸ Parsell (2012), p.160

²²⁹ See Chapter 6 onwards

down to; shelter, personal relationships, control and ontological security. Together, they may be likened to Maslow's hierarchy of needs. Although there is some overlap (for example, control relates to most if not all the other themes) they each offer some understanding of home, its importance and its role in everyday life. Although Maslow's hierarchy is not an exact reflection of my analysis, it is helpful to understand home as multi-layered. Home satisfies the basic, psychological and self-fulfilling needs of what it is to be human.²³⁰ Reimagining Maslow's hierarchy with my themes of home would look something like this:

Figure 4.2: Home's Hierarchy of Needs



Source: M. Matthewman (author)

Here, shelter relates to the 'basic needs' of Maslow's hierarchy. Personal relationships and control capture the psychological needs. Control coupled with ontological security provides for self-fulfilment and self-actualisation. In Chapter 8, I re-examine this pyramid of themes with reference to my empirical findings.

This chapter also highlights the minimal contribution from legal scholarship; my thesis attempts to strengthen the legal concept of home and pave the way for a more multidisciplinary understanding. Alongside an analysis of home, this chapter has also introduced the legal construct of tenure. It cannot be denied that tenure directly impacts the home space. It dictates the level of control an occupier has over a property; that control relates to every aspect of the scope of home, including identity, security, length of occupation and the promise thereof. By exploring the cross-disciplinary understanding of home alongside different tenures, this chapter has revealed the importance of security of tenure, particularly

²³⁰ Maslow (1954)

in relation to private tenants' experiences of home. This is an important emerging theme due to the reduction of security of tenure brought about by the Housing Act 1988. This could suggest that the legislation acts as a disjoint in the legal conceptualisation of home as it pertains to the broader scholarship, and is explored more throughout my thesis. Security of tenure is important for ontological security, and for the creation and ongoing experience of the home space. It can also be described as the defining difference between owner-occupiers and most tenants. Owner-occupiers enjoy greater legal rights and protections than private tenants, although they face some challenges (such as the pressure of a mortgage).

Critically, the differences between owner-occupiers and private tenants appears to be linked to a 'tenure prejudice'; Gurney argues that this has led to a form of homelessness experienced only by tenures other than owner-occupiers.²³¹ Tenants experience lesser legal protections, a shorter home lifespan and are the victims of a normalising discourse that relegates their experience to a second-class status. The combination may even challenge the notion of the rented home altogether, particularly from a legal perspective. In the 'Experiencing Home' and 'Defining Home' sections, I analyse these issues with reference to my empirical investigation.²³² The next chapter analyses the development of the PRS and the relevant legislation; it also explores the formation of Generation Rent¹ in more detail. Chapter 5 analyses PRS case law to understand the legal concept of home in more detail. Although this chapter offers a negative view on the rights of private tenants with reference to the cross-disciplinary approach to home, this does not wholly undermine the legal conceptualisation. Contemporary PRS tenants may experience less rights and protections under the current Housing Act 1988, but this has not always been the case. The next chapter examines this in more detail to better understand the development and legacy of the legal concept of home.

²³¹ Gurney (1999), p.176

²³² This relates to my second research question.

3. The Private Rental Sector: Policies and Legal Context

‘A man travels the world over in search of what he needs and returns home to find it.’

~ George A Moore¹

Overview

This chapter explores the social, economic, political, and legal contexts surrounding the private rental sector (PRS) over the last 100 years. Perhaps surprisingly, most people lived in private rented accommodation 100 years ago in the UK.² In 1918, homeownership accounted for 23% of households; the PRS claimed 76% and social housing just 1%.³ The last century has seen a huge rise in homeownership, which peaked in 2003 at 71% of households.⁴ But why has there been such a significant change in the housing sector, and how does this relate to the legal conceptualisation of home within the PRS? The answer is complex, and relates to issues of politics, economics, legislation and case law. In my thesis, housing policy is understood as governmental intervention in the housing sector, designed to achieve (primarily) economic goals.⁵ Often, intervention takes the form of legislation and regulation, directed at one specific tenure. There are three main categories of tenure in England: owner-occupation, PRS and social rented sector.⁶ Although my thesis is concerned with the PRS, some reference is made to the other core tenures. From a property lawyer’s perspective, tenure may seem redundant in favour of a focus on the holding of land, categorised as either freehold or leasehold.⁷ Cowan argues that for housing lawyers, the ‘messy’ nature of tenure reflects the rights and responsibilities of the occupier.⁸ Tenure is also inherently linked with

¹ G. A. Moore, (1916), *The Brook Kerith: A Syrian Story* (London: Kessinger Publishing)

² P. Malpas & A. Murie (1999), *Housing Policy and Practice* (London: Palgrave Macmillan), p.11

³ Office for National Statistics, ‘2011 Census Analysis, A Century of Home Ownership and Renting in England and Wales’ available at: <http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/a-century-of-home-ownership-and-renting-in-england-and-wales/index.html> [accessed April 2019]

⁴ English Housing Survey 2017-2018, available at: <https://www.gov.uk/government/statistics/english-housing-survey-2017-to-2018-home-ownership> [accessed April 2019]

⁵ See: D. Mullins & A. Murie (2006), *Housing Policy in the UK* (London: Palgrave Macmillan)

⁶ Private registered providers (PRP) are not considered here.

⁷ See: D. Cowan (2011), *Housing Law and Policy* (Cambridge University Press)

⁸ *Ibid*, p.12

policy; it is impossible to consider one without the other, or the wider issues within the society that prompted the policies.⁹ Socio-legal scholars are therefore well-placed to address the impact of changing legislation and case law on individual experiences within society, and my thesis follows the socio-legal tradition.¹⁰

In short, the shift of popularity from the PRS to homeownership can be summarised as a simultaneous push away from the PRS and a pull to homeownership. Some researchers argue that the pull towards homeownership over the last century reflects a political agenda to generate economic growth and cut welfare costs; Madigan et al argue that the propaganda of the housed nuclear family in Western cultures is a means of reallocating responsibility.¹¹ The focus on a smaller self-maintained unit allows the government to control and cut its welfare obligations: individuals look to their unit for support, rather than the State. Alongside the governmental pull towards homeownership, recent policy and legal changes have pushed households away from the PRS by diminishing its appeal.¹² Rhodes notes that the increase in rent controls, expanded alternative investment opportunities for landlords, the negative image of private renting, and political priorities that favoured other tenures all pushed households away from the PRS.¹³ Most notably, however, is the fact that recent policies and legislation have created a contemporary PRS that offers very limited security to tenants.¹⁴ Security of tenure refers to the statutory protection afforded tenants, restricting the rights of landlords to obtain possession of the premises to let.¹⁵ More simply, it relates to the tenant's guarantee of occupation.

Analysis from my literature review in the previous chapter suggests that elements of control and length of occupation are important aspects of the home experience.¹⁶ This suggests that security of tenure is an intrinsic element of the home and tenant experiences, as well as a central component of the legal conceptualisation of home. This chapter explores security of tenure within the PRS in more detail, including how it has changed since the beginning of the twentieth century, and why this may challenge the legal concept of home as it relates to the broader scholarship today. However, it must be noted that some insights offered by my empirical research undermines the assumption that control and length of occupation are important for establishing and enjoying the home. The analysis is complex and largely relates to the identity of my participants; see Chapter 8 and Chapter 9. This chapter cannot discuss the historical, social, economic and political changes over the last 100 years in significant

⁹ *Ibid*, p.3; see also: A. Arden QC & A. Dymond (2017), *Manual of Housing Law* (London: Legal Action Group)

¹⁰ For more on methodology, see Chapter 4

¹¹ Madigan, Munro & Smith (1990)

¹² P. Sissons & D. Houston (2019), 'Changes in transitions from private renting to homeownership in the context of rapidly rising house prices', *Housing Studies*, Vol.34(1), pp.49-65

¹³ D. Rhodes, (2015), 'The fall and rise of the private rented sector in England', *Built Environment*, Vol.41(2), pp.1-16

¹⁴ Cowan (2011), p.3

¹⁵ J. Raya & J. Garcia (2012), 'What are the real determinants of tenure? A comparative analysis of different models of the tenure choice of a house', *Urban Studies*, Vol.49(16), pp.3645-3662

¹⁶ See Chapter 2

detail; nor does it grapple with an in-depth analysis of the relationship between policy and law.¹⁷ It analyses the push and pull factors that have shaped the contemporary PRS by exploring the central policy issues and legislation, as well as some necessary historical context. Key legislation that has impacted the PRS over the last century is examined in chronological order. This offers some insight into how contemporary PRS legislation has been shaped by its predecessors. This chapter also offers a more in-depth analysis of Generation Rent¹ and how certain policies, legislation and economic factors have impacted the development of the socio-legal group. In this manner, Generation Rent¹ is revealed as a relatively new phenomenon but one that has formed as a result of decades of changes. Later, I discuss how key pieces of legislation, and subsequent cases, have influenced the legal concept of home within the PRS, and how this compares to my literature review and the empirical research.¹⁸

The Changing Housing Sector: 1915-1977

The last century has seen a drastic change in the landscape of the housing sector in England and the UK more generally.¹⁹ A simplistic summary may describe it as a huge decline in the PRS in favour of homeownership. However, the shift was not as simple as a gradual change in public preference from one type of housing to another; a consideration of policy and consequential legislation reveals a much more politically-driven transformation. Further, as noted by Merrett, housing tenure options were much more limited at the turn of the twentieth century compared to the decades that followed.²⁰ Depending on their financial situation, housing consumers now have more choice than ever before. With the increase in viable housing options, diversity of household living arrangements has followed suit. Other critics believe the shift was prompted by the economic and political fall-out of the two World Wars.²¹ Many pieces of legislation were enacted in response to different issues raised by war. The Increase of Rent and Mortgage Interest (War Restrictions) Act 1915²² was introduced to prevent landlords from taking advantage of munitions workers during the war effort.²³ This sense of protection, according to Morgan, was the main intention of the 1915 legislation, and the Rent Acts that would succeed it:

The [private rental] sector still houses many disadvantaged members of the community, a large proportion of whom are non-nuclear households on low incomes and dependent on

¹⁷ For more on this however, see: D. Cowan (2011), *Housing Law and Policy* (Cambridge University Press)

¹⁸ See Chapter 7

¹⁹ See: P. A. Kemp (2004) *Private Renting in Transition* (Coventry: Chartered Institute of Housing)

²⁰ S. Merrett (1979), *State Housing in Britain* (London: Routledge) and P. Kegan (2003), *The English Indices of Deprivation* (London: HMSO)

²¹ D. Martin, D. Dorling & R. Mitchell (2002), 'Linking censuses through time: problems and solutions', Vol 34(1), pp.82-91

²² Increase of Rent and Mortgage Interest (War Restrictions) Act 1915 (Rent Restrictions Act)

²³ M. Wilkie, G. Cole, P. Luxton & J. Morgan (2006), *Landlord and Tenant Law* (London: Palgrave Macmillan), p.177

housing benefit, who will never be in a position to achieve owner-occupation. It was for such households that the Rent Acts were enacted, their purpose being to give a measure of security “to those who make their homes in rented accommodation at the lower end of the housing market”^{24, 25}.

Although Morgan’s statement offers a bleak depiction of PRS tenants and their housing prospects, it does reflect the creation and plight of the group Generation Rent¹. It also acts as an important reminder of the intentions behind the Rent Acts, and the importance of having a ‘measure of security’²⁶ for the home. Yet crucially, The Increase of Rent and Mortgage Interest (War Restrictions) Act 1915 was a necessary war-time provision, not a pro-tenant shift in government priority. Rather, the provisions were sparked by protests from workers during the war effort; while their husbands were away fighting, women worked on the home front, struggling to pay rising rent costs.²⁷ Moreover, although the legislation offered greater protection to tenants, it simultaneously alienated landlords, a trend that would continue, and no doubt contributed to the changing housing landscape of the following decades.

The availability of social housing provisions increased dramatically during the same period. Like the implementation of the Increase of Rent and Mortgage Interest (War Restrictions) Act 1915, the increase in social housing was a necessary response to the war.²⁸ Many properties, including residences, had been destroyed. The government was also concerned by the health conditions of returning veterans. After WWI, David Lloyd George launched a popular campaign to build ‘homes fit for heroes’²⁹. The Housing and Town Planning Act of 1919 (The Addison Act) was the first large scale government intervention to build housing for social use. Local councils were given subsidies to build new houses; further, the Wheatley Housing Act 1924 provided provision for central government to subsidise the building of council houses. The implementation of rent subsidies made social housing much cheaper than private renting; it is unsurprising that many households made the transition. By 1933, 500,000 council houses had been built in total.³⁰ No doubt the increased governmental drive in social houses, coupled with their availability and lower cost, encouraged more individuals and families to adjust to a new type of housing. According to Harris, it was also one of the core elements that helped

²⁴ *Uratemp Ventures Limited v. Collins* [2001] UKHL 43, [2001] 3 W.L.R. 806 at 10

²⁵ J. Morgan (2002), ‘The Changing Meaning of “Dwelling-house”’, *The Cambridge Law Journal*, Vol.61(2), pp.312-320

²⁶ Morgan (2002)

²⁷ L. Samy (2015), *Indices of House Prices and Rent Prices of Residential Houses in London, 1895-1939* (Oxford: University of Oxford), p.4

²⁸ W. D. Taylor (1988), *Mastering Economic and Social History* (London: Palgrave Macmillan)

²⁹ P. Thane (1996), *Foundations of the Welfare State* (London: Routledge)

³⁰ C. Randal (2011), *Report for the Office for National Statistics* (ONS), p.3

shape the so-called Welfare State.³¹ Consequently, by the end of the 1930s, the number of households socially renting had risen to 10% and the PRS had dropped to 58%.³²

Homeownership also rose during the 1930s.³³ The UK saw a growing 'middle class', with greater housing aspirations encouraged by the government.³⁴ Earlier legislation such as the Public Health Act 1875 introduced minimum standards for new dwellings, while the Small Dwellings Acquisition Act 1899 first permitted the municipal provision of mortgages.³⁵ The groundwork for increased homeownership had thus been established decades earlier. The Chamberlain Housing Act of 1923 offered subsidies to private builders. The 1920s consequently witnessed a huge growth in privately built housing; within a decade just under half a million houses were built by the private sector. More mortgages with a low average rate of 4.5% became available, helped by the period of low inflation.³⁶ The Housing Act 1930 prioritised slum clearance. As pointed out by Rhodes, these 'slums' tended to be PRS properties due to their older nature.³⁷ This initiative effectively replaced old PRS properties with new houses suitable for homeownership. The transformation was both a symbolic and physical shift from war and hardship to opportunity and growth; owning a new home was not just a luxury, but a social statement.³⁸ Recent research suggests that the home remains a part of societal identity; the outside communicates status to the community.³⁹ Gurney argues that this status is also linked to tenure.⁴⁰ This period thereby associated PRS properties with 'slums' and homeownership with post-war development and wealth. Homeownership became the more desirable tenure in terms of status and arguably this has remained unchanged in the century that has followed. By 1939, the number of homeowners had risen by just over 30%.⁴¹

³¹ B. Harris (2004), *The Origins of the British Welfare State: Society, State and Social Welfare in England and Wales, 1800-1945* (London: Palgrave MacMillan)

³² A Century of Home Ownership and Renting in England and Wales (2013) by the National Archives, available: <http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/a-century-of-home-ownership-and-renting-in-england-and-wales/short-story-on-housing.html> (accessed June 2017)

³³ S. Merrett & F. Gray (1982), *Owner Occupation in Britain* (Routledge Kegan Paul)

³⁴ See: A. D. H. Crook & P. A. Kemp (1996), *Private Landlords in England* (London: HMSO)

³⁵ A. Heywood (2015), *The End of the Affair: Implications of Declining Homeownership* (Smith Institute), p.34

³⁶ See: P. A. Kemp (Ed.) (1998), *The Private Provision of Rented Housing* (Avebury: Aldershot); also, The National Archive, *Thirties Britain* available at:

<http://www.nationalarchives.gov.uk/education/resources/thirties-britain/> (accessed June 2017)

³⁷ D. Rhodes (2006), *The Modern Private Rented Sector* (Joseph Rowntree Foundation)

³⁸ Kemp (2004)

³⁹ Goffman (1959)

⁴⁰ C. M. Gurney (1999)

⁴¹ A Century of Home Ownership and Renting in England and Wales (2013) by the National Archives, available: <http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/a-century-of-home-ownership-and-renting-in-england-and-wales/short-story-on-housing.html> [accessed June 2017]

WWII caused widespread destruction and by the end of the war there was a huge housing shortage, estimated to be almost one million.⁴² The government encouraged the building of so-called 'prefab' houses as a temporary fix. This, coupled with a successful house-building policy by local councils, helped address the worst of the crisis.⁴³ It is clear that the numerous pieces of legislation and governmental policy at this time placed homeownership front and centre of the public psyche. The seeds of aspiring to homeownership were well and truly sown decades before the term 'Generation Rent' was even coined. Generation Rent¹ may be considered a new socio-economic group, but their foundational characteristic – their desire for homeownership – is arguably the result of decades of governmental policies and legislation surrounding the home (explored more below). For my participants, family and family expectations are an important part of their lives and their conceptualisation of home.⁴⁴ The experiences of their grandparents and parents within the changing PRS over the last few decades are therefore an important part of their home narratives. My participants' aspirations are not entirely self-driven; they have also been shaped by the experiences, anecdotes and advice of their families. The push and pull factors experienced by my participants' grandparents and even great-grandparents have reverberated throughout the years, adding to their development and attitudes as Generation Rent¹.

The focus on new builds made the old, 'slum'-ridden PRS much more pronounced and all the less appealing. This made for easy policy-targeting for politicians to gain public favour, prompting further emphasis on slum clearance and even greater pressure to build new houses.⁴⁵ Data from the Ministry of Housing and Local Government suggests that 1.5 million properties were demolished between 1955 and 1985, affecting close to 4 million people.⁴⁶ Lowe argues that this period in housing was transformative, and directly affected 15% of the population.⁴⁷ Lowe also suggests that, although the period displaced families and broke up communities, individuals were more concerned with the option of sanitation.⁴⁸ The draw of new homes was greater than the community bond. This development reflects a shift from a more communal to individual home environment.⁴⁹ It also reflects the idea that some elements of home may be more important than others; my cross-disciplinary analysis of home suggests that survival necessities are crucial for the home, and sanitation is one such

⁴² See: http://www.bushywood.com/building/History_House_Building_UK_WWI_WWII_Shortages.htm [accessed August 2019]

⁴³ National Housing Federation (2013), *The Politics of Housing* (London: Hot House), p.3

⁴⁴ See Chapter 8 and Chapter 9 for more on this

⁴⁵ Kemp (1998)

⁴⁶ Ministry of Local Housing and Government statistics, 1955-1985, available at: <https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government/about/statistics> [accessed September 2019]

⁴⁷ S. Lowe (2011), *The Housing Debate* (University of Birmingham: Policy Press)

⁴⁸ *Ibid*

⁴⁹ See: S. Mallett (2004), 'Understanding Home: A Critical Review of the Literature', *Sociological Review*, Vol.52 pp.62-89

example.⁵⁰ Home is a varied and multidimensional construct, but it has certain foundational elements, such as shelter, that are a core requirement.⁵¹ Community is important, but not as important as the basics needed for survival.⁵²

In the 1950s, house prices were relatively low in comparison to wages; by the end of the decade, nearly 40% of households were owner-occupied.⁵³ The PRS has also dealt with terrible publicity over the last few decades, affecting its reputation with the public. In as early as 1883, Mearns identified that private landlords were poorly perceived.⁵⁴ This perception did not improve in the 1960s. High profile cases such as the Profumo affair in 1963 and the involvement of Peter Rachman only invigorated public disfavour.⁵⁵ Rachman was a notoriously bad landlord; 'Rachmanism' even entered the Oxford English Dictionary as a synonym for exploitation and intimidation of tenants.⁵⁶ This reflects a culture of tenant abuse, and one that no doubt discouraged potential renters. Comments from my participants suggest that the impact of Rachmanism is present even today; although their relationships were not especially bad, they perceived their landlords as almost omnipotent gatekeepers to their homes.⁵⁷ Although this is likely linked to security of tenure and mandatory evictions (see below), the image of the landlord as a powerful antagonist no doubt has its roots in Rachmanism.⁵⁸ Rugg and Rhodes argue that the poor public opinion influenced policy formation in the sector for years afterwards.⁵⁹ Crook and Kemp also suggest that investment in the sector suffered as a result, and that an element of reluctance still lingered by the end of the twentieth century.⁶⁰ It is thus unsurprising that the increase in owner-occupation continued, and by 1971 the numbers of owners and renters was equal.⁶¹ From this year onwards, homeownership began to dominate, and has continued to do so since.

⁵⁰ In Chapter 2, I apply Maslow's Hierarchy to the needs of home, see: A. Maslow (1954), *Motivation and Personality* (New York: Harper)

⁵¹ See my analysis in Chapter 2

⁵² See: R. Atkinson and K. Jacobs (2016), *House, Home and Society* (London: Palgrave Macmillan)

⁵³ The Halifax produced an interesting report on the English housing sector 1951-2011. See: <https://static.halifax.co.uk/assets/pdf/mortgages/pdf/60-years-The-changing-face-of-the-UK-Housing-Market-28th-May-2012-Housing-Release.pdf> [accessed August 2019]

⁵⁴ A. Mearns (1883), *The Bitter Cry of Outcast London: An Inquiry into the Condition of the Abject Poor* (London: Routledge)

⁵⁵ S. Green (1981), *Rachman: The Slum Landlord* (London: Hamlyn)

⁵⁶ S. Green (1979), *Rachman* (London: Michael Joseph)

⁵⁷ See Chapter 8 and Chapter 9

⁵⁸ Green (1981)

⁵⁹ Rugg & Rhodes (2008)

⁶⁰ A. D. H. Crook & P. A. Kemp (2002), 'Housing Investment Trusts: A new structure of rental housing provision?', *Housing Studies*, Vol. 17, pp.741-753

⁶¹ See: <https://static.halifax.co.uk/assets/pdf/mortgages/pdf/60-years-The-changing-face-of-the-UK-Housing-Market-28th-May-2012-Housing-Release.pdf> [accessed August 2019]

The Changing Housing Sector: 1977-1988

The period between WWI and the 1970s can be summarised as a time of decline in the PRS. The decrease can be attributed to several factors, some pulling individuals towards ownership, and others pushing individuals away from renting. Despite this, PRS legislation before 1988 was largely pro-tenant, a consequence of post-wartime necessity. The Rent Act 1977 acted as a means of consolidating this area of law and reflects the great benefits of private tenancies during this period.⁶² In particular, tenants enjoyed a great deal of rent control.⁶³ Either the tenant or the landlord could apply for the rent to be registered by a rent officer.⁶⁴ The rent registered would be a fair rent, assessed by discounting from the appropriate market rent any sum deemed attributable to the scarcity of accommodation.⁶⁵ The registered rent became the maximum rent a landlord could charge.⁶⁶ Furthermore, the only way a landlord could increase the rent was by applying for a registered rent, or for an increase in a rent previously registered.⁶⁷ Comments from my participants suggest that rent, and costs of living more generally, are a significant concern and do impact the home experience.⁶⁸ Money is a key theme within my interview data, and this is undoubtedly connected to my participants' identities as members of Generation Rent¹. The word 'rent' is so intrinsic to this group that it features in their name; and here it can be interpreted as the act 'to rent' or 'rent' as in the payment made to live in their home. The cost of rent was one of the main reasons that my participants felt they could not save for a deposit, exemplifying the catch-22 nature of their tenure struggles.⁶⁹ Although they did not specifically mention rent control, their comments were negative and clearly reflected a desire for stronger rent controls in the contemporary market.⁷⁰

The Rent Act 1977 still governs some private tenancies today. It regulates most of the tenancies which started before 15 January 1989, known as Rent Act protected tenancies.⁷¹ Critically, many landlords sought to avoid the legislation, fearing that the protections offered could be in force for up to 3 generations, or possibly more.⁷² This was due to succession rights; the Act framed the home as a family right that could be passed on to the next generation to

⁶² P. H. Pettit (1981), *Private sector tenancies: being a second edition of landlord and tenant under the Rent Act 1977* (London: Boston: Butterworths)

⁶³ Part III Rents Under Regulated Tenancies and Part IV Registration of Rents Under Regulated Tenants, Rent Act 1977

⁶⁴ s.44 Rent Act 1977

⁶⁵ *Ibid*

⁶⁶ s.44(1) Rent Act 1977

⁶⁷ s.49 Rent Act 1977

⁶⁸ See Chapter 8 and Chapter 9

⁶⁹ K. Mckee & A. M. Soaita (2018), 'The "frustrated" housing aspirations of generation rent', *Housing Evidence*, available at: <https://housingevidence.ac.uk/publications/the-frustrated-housing-aspirations-of-generation-rent/> [accessed August 2019]

⁷⁰ See Chapter 6 onwards

⁷¹ Paragraph 1, Sch.1 Housing Act 1988

⁷² T. Honore (1982), *The Quest for Security: Employees, Tenants, Wives* (London: Routledge)

enjoy.⁷³ This sentiment largely fits with research from my literature review; the home is a place of family and for family. Crow suggests this was particularly important in the post-war period, but that it remains so today.⁷⁴ In the cross-disciplinary scholarship, home and family are seen to share a close connection, portraying the two as almost synonymous.⁷⁵ The succession rights suggests a consideration for the close bond between home and family, and hints that the legal conceptualisation of home can be reflective of the cross-academic understanding.⁷⁶ One of the principal benefits of homeownership identified by contemporary UK citizens is the right of inheritance.⁷⁷ Perhaps this is another element of control, and the importance of a sense of autonomy in and around the home.⁷⁸ However, at the time of implementation the culture of avoidance was so commonplace that there was even some debate regarding the practical relevance of the legislation.⁷⁹ It is unsurprising that the extensive protection offered by protected tenancies now means the class is steadily diminishing; however, as many as 80,000 may still exist in the UK today.⁸⁰ The protected tenancy is thus still very relevant; it offers an interesting comparison to other types of tenancies, particularly in relation to tenure. It is also relevant in the context that many of my participants' parents will have directly or indirectly experienced the PRS under the Rent Act 1977 and thereby be familiar with protected tenancies. They are in a position to compare protected tenancies with their children's ASTs, and no doubt be critical of the decrease in tenant rights. Such criticisms are likely to further impact the home experiences of Generation Rent¹ and strengthen their desire to move out of the PRS.

A protected tenancy is initially a contractual tenancy, agreed between the landlord and the tenant.⁸¹ However, the legislation provides that after the contractual tenancy has ended, a new 'statutory' tenancy will take its place, 'so long as [the tenant] occupies the dwelling-house as his residence'⁸². The term and definition of 'dwelling-house' is significant and is discussed in more detail in Chapter 5. This stipulation was intended to prevent individuals from abusing the legislation and living elsewhere.⁸³ It is also intended to give tenants security of tenure. This complements the policies behind the legislation; to provide secure and affordable homes, not a means for individuals to make a profit. It indicates an understanding of home itself, and the importance of stability. The replacement of a contractual tenancy

⁷³ Schedule 1, Part I, Rent Act 1977

⁷⁴ G. Crow (1989), 'The Post-war Development of the Modern Domestic Ideal', in G. Allan and G. Crow (eds), *Home and Family: Creating the Domestic Sphere* (London: Macmillan)

⁷⁵ Goffman (1959)

⁷⁶ For more on this, see Chapter 2

⁷⁷ K. McKee (2011), 'Young People, Homeownership and Future Welfare', *Housing Studies*, Vol.27(6), pp.853-862

⁷⁸ See, for example: C. Després (1991), 'The Meaning of home: literature review and directions for future research and theoretical development', *Journal of architectural and Planning Research*, Vol.8(2), pp.96-115

⁷⁹ See: J. Doling & P. Williams (1983), 'Building Societies and Local Lending Behaviours', *Journal of Urban Planning*, Vol.15(5), pp.713-723

⁸⁰ E. Walsh (2018), *A Guide to Landlord and Tenant Law* (London: Routledge)

⁸¹ s.1 Rent Act 1977

⁸² s.2(1)(a) Rent Act 1977

⁸³ For example, see: *Buchmann v May* and case law analysis in Chapter 5

with a statutory tenancy is a form of State intrusion, highlighted by the name itself, and reflects the importance of the housing sector within governmental politics. The government was willing to intrude upon the privity of contract to ensure the security of tenant homes. Although the doctrine of privity of contract was weakened by the Contracts (Rights of Third Parties) Act 1999, the earlier provisions of the Rent Act 1977 remain significant both symbolically and otherwise. Dictating the form and length of private tenancies demonstrates a recognition of the importance of tenure to tenants, and their home.

The significance of tenure is also reflected in the narrow list of reasons that a landlord may successfully seek a possession order. A protected tenant may only be evicted as set out in Schedule 15 of the Act.⁸⁴ Part I outlines discretionary cases 1 to 10 in which the courts may order possession⁸⁵; Part II consists of cases 11 to 20, which are mandatory cases.⁸⁶ If a situation satisfies one of the mandatory cases the judge must make an order for possession. This may seem problematic in terms of tenure; however, the mandatory cases are few and extremely circumstance specific. For example, one of the mandatory cases refers to property let to a minister of religion.⁸⁷ Another example is if the tenant is guilty of the offence of overcrowding.⁸⁸ However, there is no mandatory ground relating to rent arrears, unlike the Housing Act 1988 (see below). As such, the mandatory cases are unlikely to affect most protected tenants. Moreover, possession under the discretionary cases will only be granted if the judge considers it reasonable to do so.⁸⁹ Judges are also given extended discretion in possession claims to stay and suspend orders for possession.⁹⁰ The legislation is clearly pro-tenant. Grounds for eviction are limited and even if they are satisfied, the judges are given significant scope to refuse an order. The legislation recognises the importance of the tenant home and attempts to limit outside interference.

Possession may also be obtained if the landlord provides suitable alternative accommodation.⁹¹ This is neither a discretionary nor a mandatory ground and does not fall within Schedule 15⁹². As the tenant is not going to be made homeless, a judge is more likely to consider the landlord's claim reasonable and make the order for possession.⁹³ The issue of reasonableness was discussed in *Cumming v Danson*⁹⁴. As per Lord Greene MR:

In considering reasonableness...it is, in my opinion, perfectly clear that the duty of the judge is to take into account all relevant circumstances as they exist at the date of the hearing. That

⁸⁴ Schedule 15 Rent Act 1977

⁸⁵ Part I, Schedule 15, Rent Act 1977

⁸⁶ Part II, Schedule 15, Rent Act 1977

⁸⁷ Case 15, Part II, Schedule 15, Rent Act 1977

⁸⁸ s.101 Rent Act 1977

⁸⁹ s.98(1) Rent Act 1977

⁹⁰ s.100 Rent Act 1977

⁹¹ s.98(1)(a) Rent Act 1977

⁹² Schedule 15 Rent Act 1977

⁹³ Although this is by no means guaranteed, for example: *Whitehouse v Lee* [2009] EWCA Civ 375

⁹⁴ *Cumming v Danson* [1942] 2 All ER 653

he must do in what I venture to call a broad, common-sense way as a man of the world, and come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account.⁹⁵

The issue of reasonableness must be considered by the courts; failure to do so will mean that the order is set aside.⁹⁶ The onus is on the landlord and all relevant circumstances must be considered.⁹⁷ These may include the financial consequences if an order is made⁹⁸, as well as the effect on each party if the order is not made.⁹⁹ The courts may consider the health¹⁰⁰ and ages¹⁰¹ of the parties, and any public interest in relation to the decision.¹⁰² The factors considered are extensive and thereby stand in favour of tenants; the more factors the courts can consider increases the chances of finding unreasonableness. The courts will also no doubt be influenced by the pro-tenure aspects of the legislation.

Providing alternative accommodation appears to satisfy security of tenure: if the tenant has the promise of accommodation, it may seem reasonable that the tenant may be expected to move to another property if the landlord requires it. However, security of tenure is not related to the guarantee of shelter; it is the promise of a long-term relationship with a particular property.¹⁰³ It is this guarantee that allows an individual the opportunity to create a home.¹⁰⁴ A home is not transferable; a home can be made and unmade, but it will not be the same.¹⁰⁵ Although alternative accommodation prevents homelessness, it does not prevent home loss. My empirical research suggests that length of occupation may not always create strong relations with a property.¹⁰⁶ However, the imbalance is largely related to aspirations of homeownership and the dissatisfaction of not achieving such goals.¹⁰⁷ My cross-disciplinary research suggests correlation between length of occupation and the value of the home, although this does not exclusively focus on PRS tenants.¹⁰⁸

It may seem odd that the protections under the Rent Act 1977 did little to stop the decline in private renting. The legislation offers a great amount of legal protection, particularly in

⁹⁵ *Ibid* at 16

⁹⁶ See: *Peachy Property Corporation Ltd v Robinson* [1967] 2 QB 543

⁹⁷ *Cumming v Danson* [1942] 2 All ER 653

⁹⁸ *Williamson v Pallant* [1924] 2 KB 173, [1924] All ER Rep 623, [1924] 93 LJKB 726

⁹⁹ *Cresswell v Hodgson* [1951] 2 KB 92

¹⁰⁰ *Briddon v George* [1946] 1 All ER 609

¹⁰¹ *Battlespring Ltd v Gates* [1983] EGLR 103, [1983] EG 355, (1984) 11 HLR 6

¹⁰² *Cresswell v Hodgson* [1951] 2 KB 92

¹⁰³ Mullins & Murie (2006), p.2

¹⁰⁴ H. Easthope (2014), 'Making Rental Property a Home', *Housing Studies*, Vol.29(5), pp.579-596

¹⁰⁵ Homemaking and unmaking is explored in Chapter 2

¹⁰⁶ See Chapter 8 and Chapter 9

¹⁰⁷ Mckee & Soaita (2018)

¹⁰⁸ See, for example: A. Giddens (1991), *Modernity and Self Identity: Self and Society in the Late Modern Age* (Cambridge: Polity Press)

relation to tenure and rent costs.¹⁰⁹ However, at the time house prices were relatively affordable, and government policies and propaganda were geared towards homeownership.¹¹⁰ Further, the legislation offered such significant protection to tenants that it led to a decline in private landlord interest. The lack of interest impacted the supply of PRS properties, and the number of tenants consequently decreased. It was not until the late 1980s and the introduction of the Housing Act 1988 that landlord interest in the PRS began to grow once more. By the late 1980s and 1990s, the numbers of private tenants stagnated, and then began to rise.¹¹¹ The increase in tenants directly correlated with the increase in private landlords offering rental accommodation. Alongside the rise in PRS properties, there was a decrease in social rented accommodation and a rise in house prices.¹¹² It may seem bizarre that a decrease in security of tenure corresponded with an increase in private tenancies, but this was primarily a story of supply and demand.¹¹³

By 1981 58% of households were owner-occupied.¹¹⁴ This increase can be partly attributed to the 'Right to Buy' scheme¹¹⁵ introduced in 1980. This period marked a transition from social housing to owner-occupation, rather than a decrease in private renting. Statistics collated by Pawson and Wilcox reveal that over 500,000 social houses were bought in England between 1980-1985 alone.¹¹⁶ The cumulative total was 1.89 million by 2012, and around 2.5 million for the UK as a whole.¹¹⁷ Private rented accommodation was as low as 8-9% in the late 1980s.¹¹⁸ The Housing Act 1980 was the definitive piece of legislation that first introduced the 'Right to Buy' scheme under Margaret Thatcher's government. The legislation provided that five million council house tenants in England and Wales could purchase their home from their local authority. This led to a huge growth in homeownership in the late 1980s, part of which may be attributed to the Housing Act 1988 which decreased the rights of PRS tenants, thereby making the PRS even less desirable.

¹⁰⁹ A. D. H. Crook & P. A. and Kemp, P.A. (2011), *Transforming Private Landlords: Housing, markets and public policy* (Chichester: Wiley-Blackwell)

¹¹⁰ *Ibid*

¹¹¹ Changing PRS statistics available at:

<https://www.ons.gov.uk/economy/inflationandpriceindices/articles/ukprivaterentedsector/2018> [accessed August 2019]

¹¹² Data from: H. Pawson & S. Wilcox (2013), *UK Housing Review* (London: Chartered Institute of Housing)

¹¹³ P. A. Kemp & M. Keoghan (2001), 'Movement into and out of the private rented sector in England', *Housing Studies*, Vol. 16, pp.21-37

¹¹⁴ Pawson & Wilcox (2013)

¹¹⁵ There is mixed opinion regarding how important this policy is in regards to the drop in private renting; see, for example, Rhodes (2015)

¹¹⁶ Pawson & Wilcox (2013), p.133

¹¹⁷ *Ibid*

¹¹⁸ Heywood (2015), p.7

The Changing Housing Sector: 1988-2008

Following the successful 'Right to Buy' scheme, homeownership grew to 67% in the late 1980s.¹¹⁹ By 1995, 2.1 million council houses were sold; however, a large number of social tenants could not afford to purchase their homes and remained tenants.¹²⁰ It is undeniable that the legislation further influenced public opinion in favour of homeownership.¹²¹ Consequently, both social housing and the PRS dropped during this period.¹²² Proponents of the 'Right to Buy' scheme argue that it provided many council tenants with an opportunity to 'get on the property ladder' which they would not otherwise have had.¹²³ The legislation allowed for huge discounts in property prices for occupiers, but led to a severe decline in council houses.¹²⁴ It also acts as another example of the propaganda directed towards the general population, portraying homeownership as the popular and natural choice of housing.¹²⁵ The very name 'Right to Buy' characterises homeownership as a basic right, building upon the years of pro-ownership policies that followed the post-war years.

The scheme benefited certain areas of the UK over others. Jones and Murie argue that the scheme rewarded households on higher incomes and in more desirable areas.¹²⁶ Poor households could not always afford the scheme, and even risked making a loss in the volatile housing market. The home is not exempt from societal and monetary value. The home is not detached from the financial value imposed on its physical structure by external political and economic forces, nor is it detached from the perceptions of others. This would have been particularly noticeable to individuals utilising the 'Right to Buy' scheme, as the market value of the property may not have been as important up to that point. Thatcher's scheme effectively challenged social housing occupiers to consider the value of the property, and consequently, their home. Occupiers then had to determine whether that value was worth financial investment. This may not have been especially distressing to most occupiers; however, poor households that valued their home were at risk of feeling alienated and even inadequate. Relationships between occupier and home could have even deteriorated as a result. It is also arguable that this sort of home-valuation became a nationwide exercise.¹²⁷ The 'Right to Buy' scheme prompted citizens to question the financial value of their home, and the correlation between physical and emotional value (or lack of). Indeed, the financial valuation of 'outsiders' is unlikely to reflect the other, less tangible values of an individual's

¹¹⁹ English Housing Surveys, available at: <https://www.gov.uk/government/collections/english-housing-survey> [accessed August 2019]

¹²⁰ *Ibid*

¹²¹ S. Blandy & C. Hunter (2013), 'The Right to Buy: Examination of an exercise in allocating, shifting and re-branding risks', *Critical Social Policy*, Vol.33(1), pp.17-36, p.17

¹²² B. Turner & C. Whitehead (eds) (1993) *Housing finance in the 1990s* (Research report National Swedish Institute for Building Research: Gavle)

¹²³ C. Jones & A. Murie, (2008), *The Right to Buy: Analysis and Evaluation of Housing Policy* (John Wiley & Sons)

¹²⁴ Pawson & Wilcox (2013), p.133

¹²⁵ Gurney (1999)

¹²⁶ Jones & Murie (2008), p.106

¹²⁷ Blandy & Hunter (2003)

home. This is not intended as a criticism on financial valuation, or even to recommend a less objective approach; rather, it is important to recognise that the home and physical dwelling are connected but are by no means interchangeable.

Although my first research question focuses on the legal approach to home pre-Housing Act 1988, it is important to understand why this piece of legislation may act as a disjoint in the conceptualisation. It also helps to understand why security of tenure is such an important aspect to the home experiences of private tenants and Generation Rent¹, and why it has emerged as an important theme in this thesis.¹²⁸ The reduction in security of tenure is arguably one of the main reasons that Generation Rent¹ exist; they are pushed away from the PRS due to the lack of security. The Housing Act 1988 was a very significant piece of legislation and governs most types of tenancies in modern day England, covering both the assured tenancy¹²⁹ and the assured shorthold tenancy (AST).¹³⁰ The AST was first introduced in the Housing Act 1980, but following the Housing Act 1988 it has become the most common type of letting agreement:

An assured tenancy which—

(a) is entered into on or after the day on which section 96 of the Housing Act 1996 comes into force (otherwise than pursuant to a contract made before that day), or

(b) comes into being by virtue of section 5 above on the coming to an end of an assured tenancy within paragraph (a) above,

is an assured shorthold tenancy unless it falls within any paragraph in Schedule 2A to this Act.¹³¹

Consequently, the AST has become the standard tenancy of the PRS as most tenancies started after 28 February 1987 will automatically become one.¹³² The Housing Act 1988 has been subject to a number of revisions and updates since its introduction, most notably by the Housing Act 1996. The changes implemented by the Housing Act 1996 have been largely detrimental to tenants. The introduction of s.21 notices now allows landlords to evict tenants without reason, once the fixed term has expired (explained below).¹³³ S.101 of the Housing Act 1996 also amended the length of time that triggers the grounds for possession for non-payment of rent:

In Part I of Schedule 2 to the Housing Act 1988 (grounds on which court must order possession) in Ground 8 (rent unpaid for certain periods)—

(a) in paragraph (a) (rent payable weekly or fortnightly) for “thirteen weeks” there shall be substituted “ eight weeks ”, and

¹²⁸ See my empirical work in Chapter 6 onwards

¹²⁹ s.1 Housing Act 1988

¹³⁰ s.19A Housing Act 1988

¹³¹ s.19A Housing Act 1988

¹³² s.19A(a) Housing Act 1988

¹³³ s.21 Housing Act 1988

(b) in paragraph (b) (rent payable monthly) for “three months” there shall be substituted “ two months ”.¹³⁴

The Housing Act 1996 abolished the rule requiring ASTs to be for a minimum term of six months, but a landlord seeking to issue a s.21 eviction notice is still required to wait until the first 6 months of the tenancy have passed.¹³⁵ The decline in protections afforded PRS tenants since the Rent Act 1977 suggests a trend that will continue in the future.

A comparison of the assured tenancy and assured shorthold tenancy, both of which feature in the Housing Act 1988¹³⁶, reveals the decline in tenant protections. In terms of security of tenure, the more secure of the two is the assured tenancy. It is very similar in many ways to the old protected tenancy save that there is a mandatory ground for possession for serious rent arrears.¹³⁷ Assured tenancies are also provided most commonly by social landlords, such as housing associations. Assured tenancies offer private tenants security of tenure; they are entitled to stay in the property until they choose to go, or until the landlord gains possession based on one of the 17 grounds listed in Schedule 2 of the Housing Act 1988.¹³⁸ Possession under the s.21 procedure is not available for assured tenancies; this only applies to ASTs.¹³⁹ Significantly, the legislation referring to assured tenancies also features the term ‘home’:

- (1) A tenancy under which a dwelling-house is let as a separate dwelling is for the purposes of this Act an assured tenancy if and so long as—
- (a) the tenant or, as the case may be, each of the joint tenants is an individual; and
 - (b) the tenant or, as the case may be, at least one of the joint tenants occupies the dwelling-house as his only or principal home; and
 - (c) the tenancy is not one which, by virtue of subsection (2) or subsection (6) below, cannot be an assured tenancy.¹⁴⁰

This chapter is intended as a contextual summary of some of the main pieces of PRS legislation and so it does not analyse the presence and approach to ‘home’ in significant detail. The term home does not feature heavily in contemporary legislation and lacks legislative definition. Instead, the case law acts as the primary source for analysis in relation to the legal conceptualisation of home. The reference to home in the Housing Act 1988 is therefore somewhat at odds with other PRS legislation. It offers no definition; however, the requirement that the tenant ‘occupies the dwelling-house as his only or principal home’ establishes a difference between the terms ‘dwelling-house’ and ‘home’. The dwelling-house is the physical space that is occupied; the home appears to be how the tenant experiences or views the dwelling-house. The distinction and relationship between the tangible and

¹³⁴ s.101 Housing Act 1996

¹³⁵ s.21 Housing Act 1988

¹³⁶ s.1 and s.19A Housing Act 1988 respectively

¹³⁷ Ground 8, Schedule 2, Housing Act 1988

¹³⁸ Schedule 2, Housing Act 1988

¹³⁹ s.21 Housing Act 1988

¹⁴⁰ s.1(1) Housing Act 1988

intangible elements of house and home are explored in more detail with relation to the PRS case law in Chapter 5.

A s.21 eviction notice allows the landlord to seek possession without giving a reason or having to prove reasonableness in court:

(1) Without prejudice to any right of the landlord under an assured shorthold tenancy to recover possession of the dwelling-house let on the tenancy in accordance with Chapter I above, on or after the coming to an end of an assured shorthold tenancy which was a fixed term tenancy, a court shall make an order for possession of the dwelling-house if it is satisfied—

(a) that the assured shorthold tenancy has come to an end and no further assured tenancy (whether shorthold or not) is for the time being in existence, other than [an assured shorthold periodic tenancy (whether statutory or not)]; and

(b) the landlord or, in the case of joint landlords, at least one of them has given to the tenant not less than two months' notice [in writing]¹⁴¹ stating that he requires possession of the dwelling-house.¹⁴²

The s.21 eviction notice is the most significant difference between the assured tenancy and ASTs. It allows landlords greater opportunities to seek possession; consequently s.21 notices also increase the chances of tenants losing their homes, and without reason. Significantly, assured tenancies and ASTs will continue as a statutory periodic tenancy after the end of the contractual fixed term.¹⁴³ This gives assured tenancies long-term security. By contrast, periodic ASTs will continue on a rolling basis. In this manner, periodic assured shorthold tenants live a very precarious, month-by-month or even week-by-week lifestyle, with the threat of eviction acting as a constant looming threat. Theoretically, the terms of the contract appear clear and fair. However, a tenant may have lived in their home on a periodic AST for years and have no reason to expect the situation to change. The legislation may discourage tenants from setting up long-term roots, but this exposes a failure in the understanding of the nature of home and a person's experience thereof. It highlights the key difference between owner-occupation and private renting. The tenant lacks basic control; they are at the whim of the landlord and may have to surrender their home with very little warning. The difference in tenure is substantial, arguably making the rented home much more difficult to establish and rely on. It must be noted that homeowners with a mortgage do not have full security of tenure; if they fail to pay their mortgage, they may lose their home.¹⁴⁴ However, tenants may lose their home *without reason*; it seems completely at odds with the nature and importance of home that it may be lost so arbitrarily. The loss of an owned home is equally terrible, but not without reason (such as repossession or even compulsory purchase).

¹⁴¹ Amended by s.98 Housing Act 1996

¹⁴² s.21 Housing Act 1988

¹⁴³ s.5 Housing Act 1988

¹⁴⁴ Fox O'Mahony (2007)

The s.21 notice does not actually end the tenancy; it simply means that the judge must grant a court order in possession proceedings. The tenant has a right to receive two months' notice; a very short amount of time for the tenant to find another ideal property to create a new home.¹⁴⁵ The length of notice is justified due to the fact it cannot lessen the length of the fixed term; once that time passes there is no further contractual agreement for the tenancy to continue. In many ways, the end of an AST acts as a metaphorical time-bomb for tenants. The legislation creates a housing/occupier relationship built on necessary assumptions; because the landlord can reclaim their property after the fixed term of the AST ends, a tenant is likely to presume they will. In fact, from a logical standpoint, the tenant must presume their relationship with the property will terminate and have plans to avoid homelessness. Creating a rented home in these circumstances arguably becomes a very difficult and somewhat futile endeavour. This is reflected in my empirical investigation; my participants are already limited by their ability to create their home in terms of personalisation, but their lack of security makes them feel unmotivated to do so anyway.¹⁴⁶

The Housing Act 1996 amended the s.21 eviction notice so that it must be provided in writing.¹⁴⁷ Although stricter formalities create a greater chance of error and thus work in favour of the tenant, they also depersonalise the experience. A landlord following formalities is less likely to consider the impact of their decision on the occupier. This makes the decision much easier and consequently much more likely to happen. Legislation post-Rent Act 1977 arguably creates a culture of eviction¹⁴⁸; this has no doubt had a detrimental impact on the rented home overall. For example, my participants were hesitant to 'put roots down' or make long-term plans due to their tenure uncertainty.¹⁴⁹ In 2015, 40,000 tenants were evicted from their homes, the highest on record.¹⁵⁰ This is despite the fact that there have been a number of restrictions introduced in the last two decades to curb the use of s.21 evictions notices.¹⁵¹ For example, if the landlord did not place a deposit within a Tenancy Deposit Scheme within 30 days of the tenancy start date, or provide the information to the tenant before the service of the s.21 notice, this would act as a breach of statutory requirement.¹⁵² The s.21 notice could be struck out and the landlord may also incur a penalty.¹⁵³ For HMOs, a claim may be struck out if the property is subject to mandatory, additional or selective licensing and the

¹⁴⁵ s.21(1)(b) Housing Act 1988

¹⁴⁶ See Chapter 8

¹⁴⁷ s.98(2) Housing Act 1996

¹⁴⁸ Report from Joseph Rowntree Foundation, see: <https://www.insidehousing.co.uk/comment/increase-in-evictions-are-result-of-renters-facing-impossible-choices-52226> [accessed August 2019]

¹⁴⁹ See my empirical findings, Chapter 8 and Chapter 9

¹⁵⁰ English Housing Survey 2015-2016, available at: <https://www.gov.uk/government/collections/english-housing-survey#2015-to-2016> [accessed August 2019]

¹⁵¹ See, for example:

https://england.shelter.org.uk/_data/assets/pdf_file/0003/1774272/Shelter_flowchart_-_advising_tenants_facing_section_21_possession_proceedings_in_England.pdf [accessed March 2020]

¹⁵² s.2(13) Housing Act 2004

¹⁵³ *Ibid*

landlord has not obtained or applied for the relevant licence before serving the s.21 notice.¹⁵⁴ A s.21 notice may also be challenged if the landlord has failed to provide certain prescribed information. The landlord must have provided the 'How to rent: the checklist of renting in England'¹⁵⁵ booklet before serving the notice.¹⁵⁶ Furthermore, the landlord must have provided an energy performance certificate (EPC) and a gas safety certificate before serving the s.21 notice.¹⁵⁷ The Equality Act 2010 also offers greater protection to private tenants with a disability where the landlord is seeking to evict for a reason related to the disability.¹⁵⁸

The restrictions may seem extensive; however, they are unlikely to offer tenants relief in the long-term. A notice for eviction may collapse initially due to the landlord's failure to follow correct protocols, but the restrictions are unlikely to stop or dissuade a landlord from further action. Once a tenant has faced such a challenge to their home, they are unlikely to continue enjoying it as before. One failed eviction notice is unlikely to be the end of proceedings. Moreover, even if the landlord is dissuaded from further action, the tenant is not going to forget the threat too quickly, and their home experience will no doubt be impacted. My empirical investigation also suggests that tenants are largely uninformed of their rights and responsibilities, including the restrictions on s.21 eviction notices. My participants believed that landlords have most of the power; their responses suggested a legal consciousness based on experiences, stories and anecdotes which may or may not have been true.¹⁵⁹ However, such notions impact tenant experiences regardless of their accuracies.

Further, a s.21 notice is not the only legal tool used by landlords to remove a tenant. As per the Housing Act 1988, a landlord can issue a s.8 notice if one or more of 17 set criteria are met.¹⁶⁰ A s.8 notice also applies to assured tenants. A landlord can serve a s.8 notice at any time during the tenancy, provided the tenant is in breach of contract and the landlord can justify their claim under one of the 17 grounds for possession.¹⁶¹ The amount of notice that must be given to the tenant differs depending on the grounds. Grounds 1, 2, 5, 6, 7, 9 and 16 require two months' notice or more; grounds 3, 4, 8, 10, 11, 12, 13, 15 and 17 require at least two weeks' notice.¹⁶² In the case of ground 14A, proceedings can start immediately after serving the notice. Grounds 1 to 8 are mandatory; if established, the court must grant the possession order.¹⁶³ The remaining grounds are discretionary, and the courts will only grant

¹⁵⁴ ss75 and 98 Housing Act 2004

¹⁵⁵ Available at: <https://www.gov.uk/government/publications/how-to-rent/how-to-rent-the-checklist-for-renting-in-england> [accessed March 2020]

¹⁵⁶ s.21A and s21.B Housing Act 1988 and regulations 2 or 3 of the Assured Shorthold Tenancy Notices and Prescribed Requirements Regulations (England) 2015

¹⁵⁷ Regulation 6(5) Energy Performance of Buildings (England & Wales) Regulations 2012 and Regulation 36 (6) or (7) Gas Safety (Installation & Use) Regulations 1998

¹⁵⁸ s.6, s.15 and s.35 Equality Act 2010

¹⁵⁹ See Chapter 8

¹⁶⁰ s.8 Housing Act 1988

¹⁶¹ Schedule 2 Housing Act 1988

¹⁶² *Ibid*

¹⁶³ *Ibid*

possession if they believe it is reasonable to do so.¹⁶⁴ Grounds 8, 10 and 11 all allow the landlord to take possession due to failure on the part of the tenant to pay rent. Rent arrears is the most common ground for landlords to seek possession.¹⁶⁵ Broadly speaking, a s.8 notice can be issued if the tenant is behind with their rent payments or has a pattern of non-payment. The time at which a notice can be served is dependent on the rent arrangements.¹⁶⁶ Critically, ground 8 is mandatory; if the landlord can establish that the tenant has 2 months' rent arrears (subject to the payment schedule) then the courts must order eviction.¹⁶⁷ It is interesting that this is the same length of time as a s.21 notice gives tenants. Moreover, the ground is effective irrespective of issues with housing benefit or the circumstances of the tenant; the tenant cannot tell their 'home story' or defend their non-payment.¹⁶⁸ The monetary interests of the landlord take precedent over the tenant's home.

The combination of s.21 and s.8 notices gives landlords significant powers over AST tenants. Consequently, they give tenants very little guarantee of security. A tenant is less likely to experience a fulfilling relationship with their home with full awareness that it is unlikely to last.¹⁶⁹ This is a key example of how law may shape an individual's experience of home, and arguably the key reason that tenants may aspire to homeownership.¹⁷⁰ It can be argued that this is as it should be. A landlord owns the property; they should have a greater claim in terms of control. Further, if a tenant persistently fails to pay their rent, it seems only right that a landlord has the right to seek possession. The legislation balances the landlord's financial interest with a tenant's home; however, compared to the Rent Act 1977, the Housing Act 1988 appears much more favourable to landlords. Eviction is much easier and thus much more of a threat to many more tenants.¹⁷¹ Some critics argue that the mandatory grounds for possession are problematic as they do not allow the courts any discretion.¹⁷² This may be particularly unfair in cases of extenuating circumstances; for example, if the tenant has taken ill, been bereaved or lost their job. If the tenant has a long history of good and regular payment and has the capacity to secure funds for the future, it may seem cruel to deny them their home without defence or explanation. It must be recognised that the legislation has created a system where more landlords are prepared to enter the market. This means that there is more property available to rent, giving tenants greater choice. However, choice of property may seem immaterial without the choice of tenure. My empirical research suggests that members of Generation Rent¹ recognise some benefits of the PRS, including the levels of

¹⁶⁴ Part II, Schedule 2, Housing Act 1988

¹⁶⁵ For more detail, see the report by the Joseph Rowntree Foundation:

<https://www.irf.org.uk/report/poverty-evictions-and-forced-moves> [accessed July 2019]

¹⁶⁶ s.8 Housing Act 1988

¹⁶⁷ Ground 8, Schedule 2, Housing Act 1988

¹⁶⁸ S. Bright (2010), *Dispossession for Arrears: The Weight of Home* (London: Ashgate)

¹⁶⁹ Easthope (2014)

¹⁷⁰ D. Lister (2006), 'Unlawful or just awful? Young people's experiences of living in the private rented sector in England', *Sage Journals*, Vol.14(2), pp.141-155

¹⁷¹ J. Driscoll, (2009), 'Nothing going on but the rent', *New Law Journal* available at:

<https://www.newlawjournal.co.uk/content/nothing-going-rent-0>

¹⁷² Bright (2010)

choice and flexibility, but this does not appear to offset the perceived negative aspects of the sector.¹⁷³

The Housing Act 1988 also incorporated the 'Large Scale Voluntary Transfer' (LSVT) policy.¹⁷⁴ This allowed local authorities to transfer housing stock to housing associations and registered social landlords. In 1989, the Local Government and Housing Act¹⁷⁵ relieved local authorities of the requirement to keep housing stock. As a result of these policies, the percentage of households in social housing declined to 23% in 1991 from its peak of 31% in the decade before.¹⁷⁶ The reduction in social housing pushed households into the other tenures. Interestingly, 1991 also marked the end of 70 years of decline in the percentage of households privately renting.¹⁷⁷ Between 1991 and 2001, owner-occupation stayed relatively unchanged at about 7 in 10 households.¹⁷⁸ The significant change over the decade was within the PRS, where the proportion of households privately renting increased for the first time since 1918.¹⁷⁹ Around 12% of households were privately renting in 2001, while those socially renting had decreased to 19%.¹⁸⁰ The number of households in the PRS further increased from 2.8 million in 2007 to 4.5 million in 2017 and this now accounts for 20% all of UK households. Homeownership peaked in 2003 at 71% of households but current levels of homeownership stand at 63% and have remained steady over the last 4 years.¹⁸¹

The Changing Housing Sector: 2008-Present

Some scholars claim that the UK is now a 'post-homeownership society'¹⁸² due to the decrease in homeownership, but the existence of Generation Rent¹ contradicts this argument. Although they may not be able to access homeownership (and might never be able to) their aspirations reflect that homeownership is still very much a contemporary focus. If Britain was indeed in a 'post-homeownership' stage, it could be assumed that homeownership would no longer be the most desirable tenure. Recent research by McKee et al reinforces the fact that

¹⁷³ See Chapter 8

¹⁷⁴ Although it features in both the Housing Acts of 1985 and 1988

¹⁷⁵ Local Government and Housing Act 1989

¹⁷⁶ Office for National Statistics, '2011 Census Analysis, A Century of Home Ownership and Renting in England and Wales' available at:

<http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/a-century-of-home-ownership-and-renting-in-england-and-wales/index.html>

¹⁷⁷ *Ibid*

¹⁷⁸ Pawson & Wilcox (2013), p.55

¹⁷⁹ *Ibid*, see also; H. Pawson (2012), 'The changing scale and role of private renting in the UK housing market', in H. Pawson & S. Wilcox (Eds.), *UK Housing Review 2011/2012* (Coventry: Chartered Institute of Housing)

¹⁸⁰ Pawson & Wilcox (2013), p.56

¹⁸¹ English Housing Survey 2017-18, available at: <https://www.gov.uk/government/collections/english-housing-survey> [accessed August 2019], p.3

¹⁸² Ronald & Kadi (2017)

homeownership is still perceived as the 'ideal'.¹⁸³ This chapter has explored the development of pro-ownership policies that followed the post-war period and continued throughout the twentieth century. Such developments have shaped the aspirations of Generation Rent¹.¹⁸⁴ Preece et al argue that 'there is a conceptual and definitional gap in relation to the term "housing aspirations"' and that these are 'distinct from expectations, preferences, choices and needs'¹⁸⁵. In my thesis, aspiration is understood as 'people's hopes, dreams and goals for their imagined future'¹⁸⁶. The pro-homeownership policies in the post-war era may have failed to maintain constant growth in the sector, but it did succeed in infiltrating the public psyche. Gurney argues that homeownership has become the normalised tenure of choice.¹⁸⁷ In the last 100 years Britain has become 'a nation of homeowners'¹⁸⁸, either by practice or by proxy. Although Generation Rent¹ are not officially part of the 'nation of homeowners', their aspirations are arguably more important than their housing status. Britain is not just a 'nation of homeowners' because homeownership is the dominant tenure, but because it is the most *desirable* tenure. This has remained the case even after the financial crash of 2008, which resulted in widespread financial uncertainty.¹⁸⁹

Chapter 1 discussed the multiple interpretations of 'Generation Rent' and why my thesis focuses on Generation Rent¹. It also explored the importance of Generation Rent² as a means of criticising PRS policy as well as its links with the financial crash in 2008. The latter is often blamed for a fall in homeownership. However, Byrne highlights the fact that the fall in homeownership is not a consequence of the financial crisis itself but due to the absence of cheap, accessible credit since 2008.¹⁹⁰ He also identifies that the commodification of housing under neoliberalism and financialisation has pushed house prices up, which makes getting a first-time mortgage extremely challenging.¹⁹¹ It is not within the scope of my thesis to offer an in-depth financial commentary on the causes or consequences of the financial crash; regardless, it is clear that the increase in real-time costs for homeownership has been especially detrimental to first-time buyers even with the 'Help to Buy' scheme currently in place.¹⁹² According to the most recent publication by the Office for National Statistics, house prices in the UK have risen by 7% on average per year since 1980, and the cost of the average

¹⁸³ McKee et al (2017), p.324

¹⁸⁴ J. Crawford & K. McKee (2018), 'Hysteresis: Understanding the Housing Aspirations Gaps', *Sociology*, Vol.52(1), pp.182-197

¹⁸⁵ J. Preece, J. Crawford, K. McKee, J. Flint & D. Robinson (2019), 'Understanding changing housing aspirations: a review of the evidence', *Housing Studies*, available at: <https://www.tandfonline.com/doi/full/10.1080/02673037.2019.1584665> [accessed September 2019]

¹⁸⁶ McKee & Soaita (2018), p.11

¹⁸⁷ Gurney (1999)

¹⁸⁸ Saunders (2007)

¹⁸⁹ Byrne (2019)

¹⁹⁰ *Ibid*

¹⁹¹ Arundel & Doling (2017)

¹⁹² D. Cowan, A. Wallace & H. Carr (2015), 'Exploring experiences of shared ownership housing: reconciling owning and renting', available at: <https://www.york.ac.uk/media/chp/documents/2015/sharedOwnershipCHPL.pdf> [accessed July 2019]

house is £279,000.¹⁹³ The deposit required to secure a mortgage has also increased, and despite the economic downturn of 2008-2009, the amount is higher than the four decades preceding it.¹⁹⁴ The numbers of first-time buyers consequently decreased; during the 2008 recession there was a 47% drop in first-time buyers.¹⁹⁵ Recent economic recovery has not prompted numbers to rise above the 2003 levels.¹⁹⁶ Generation Rent¹'s formation has been a result of decades of social, economic and political changes but the financial crash was especially detrimental to first-time buyers and thereby increased the group's size dramatically.

Linked with the rise of Generation Rent¹ is 'Generation Landlord'¹⁹⁷. Ronald and Kadi describe this phenomenon as a result of the shift from pro-tenant to pro-landlord legislation.¹⁹⁸ Housing market deregulation in the 1980s and 1990s removed rent caps and allowed for the proliferation of short-term tenancies that made multiple property ownership more attractive. By the 2000s, numbers of first-time home buyers were diminishing, suppressed by increasing prices. By contrast, at the same time, large numbers of established homeowners were expanding their portfolios.¹⁹⁹ This included rental properties, encouraged by the growth of the 'Buy to Let' mortgage lending sector.²⁰⁰ The latter has financed a large proportion of investment since the financial crash; the sector fell from £45 billion in 2007 to less than £10 billion in 2009²⁰¹, but recovered relatively quickly, and in 2013 it had doubled to £20bn.²⁰² For landlord investors the post-crisis developments have therefore been favourable; rent increases and reduced house prices led to growing yields on rental property in the wake of the financial crisis.²⁰³ Between January 2011 and May 2018, private rental prices in Great Britain increased by 15.8%. Forrest and Hirayama identify the fortunes of 'Generation Landlord' as a consequence of neoliberalism.²⁰⁴ The latter results in a concentration of property ownership among wealthier households and makes them more likely to acquire additional properties as landlords.²⁰⁵ Between 1998 and 2015, the number of UK landlords consequently doubled to more than 2 million, with the number of rental households doubling

¹⁹³ ONS, UK Perspectives 2016: Housing and Home Ownership in the UK, published 2018, see: <https://www.gov.uk/government/statistics/english-housing-survey-2016-to-2017-private-rented-sector> [accessed April 2018]

¹⁹⁴ See: <https://www.gov.uk/government/statistics/english-housing-survey-2017-to-2018-home-ownership> [accessed August 2019]

¹⁹⁵ *Ibid*; see also: C. Lennartz, A. Christian, R. Arundel & R. Ronald (2016), 'Younger Adults and Homeownership in Europe through the Global Financial Crisis', *Population, Space and Place*, Vol.22(8), pp.823-835

¹⁹⁶ *Ibid*

¹⁹⁷ Ronald & Kadi (2017)

¹⁹⁸ *Ibid*

¹⁹⁹ Byrne (2019)

²⁰⁰ Leyshon & French (2009)

²⁰¹ Kemp (2015)

²⁰² *Ibid*

²⁰³ Sprigings 2013

²⁰⁴ Forrest & Hirayama (2015)

²⁰⁵ Ronald and Kadi (2017)

to over 4 million.²⁰⁶ This process simultaneously reduced the number of properties available for homeownership and increased the choice of PRS properties. The growth of 'Generation Landlord' refers particularly to the increase in 'amateur' landlords.²⁰⁷ Government figures indicate that 89% of UK landlords are private individuals, responsible for 71% of the sector.²⁰⁸ The data also demonstrates that this group are largely from post-war birth cohorts, but there is also a large portion born in the 1960s and 1970s.²⁰⁹ This indicates an intergenerational split between landlords and Generation Rent¹.

Byrne argues that if landlords are accumulating wealth and obtaining income at the expense of tenants, then this is de facto a class or socio-economic issue, irrespective of whether or not landlords happen to be older.²¹⁰ Even so, the shape and formation of Generation Rent¹ suggests that these issues affect young people more than older age groups. The repetition of the term 'generation' reinforces the intergenerational differences; Generation Rent¹ are PRS tenants aged 18-35 years old and 'Generation Landlord' are typically 40-65 years old and own multiple properties.²¹¹ In Chapter 1, I explained my characterisation of Generation Rent¹ as a means of highlighting the difficulties facing young people. The contrast with 'Generation Landlord' makes the plight of Generation Rent¹ even starker. First-time buyers, usually aged between 18-35, are 'trapped'²¹² in PRS properties, while landlords with multiple properties benefit from their struggle.²¹³ Today, young people are half as likely to be homeowners by the age of 30 as those born in the post-war 'baby boomer' generation.²¹⁴ The changes in lending practices also make access to mortgage credit much more difficult for first time buyers.²¹⁵ In 2007, 14.1% of mortgage lending involved LTVs of 90%, in 2017 that figure had fallen to 3.9%. Similarly, while interest-only lending represented 32.5% of the market in 2007, it stood at just 1.2% in 2017.²¹⁶ Meanwhile, house prices have recovered, and indeed, surpassed their boom-time values while wage and income growth has been limited.²¹⁷

Bessant et al suggest that young people have become a uniquely problematic social group in the 20th century.²¹⁸ They argue that millennials and the emerging Generation X are troubled by mounting debts and poor job prospects, with little hope of getting onto the housing ladder. Their 'political economy of generations'²¹⁹ approach highlights intergenerational discord not

²⁰⁶ Byrne (2019), p.18

²⁰⁷ Ronald & Kadi (2017)

²⁰⁸ DCLG 2011

²⁰⁹ Ronald & Kadi (2017)

²¹⁰ Byrne (2019)

²¹¹ *Ibid*

²¹² McKee et al (2017)

²¹³ Byrne (2019)

²¹⁴ Corlett & Judge (2017)

²¹⁵ R. Richard (2018) '[Generation Rent' and intergenerational relations in the era of housing financialisation](#) Critical Housing Analysis

²¹⁶ Savills (2017)

²¹⁷ Kemp (2015)

²¹⁸ Bessant et al (2017)

²¹⁹ J. Bessant, R. Farthing & R. Watts (2017), *The Precarious Generation: A Political Economy of Young People* (London: Routledge), p.4

only in the UK, but in other countries including the US. They have found that ‘young people earn less on average and have higher levels of unemployment’²²⁰ compared with older age groups and suggest that the comparative difference is only likely to worsen in the future. A report by the Resolution Foundation also revealed the disparity between age groups and housing. In 1991, 67% of the age group 25-34 were homeowners; by 2014, this dropped to 36%.²²¹ In the same period, homeownership within the 16-24 age group dropped from 36% to just 9%. By contrast, homeownership increased across the older age groups. However, some academics argue that Generation Rent¹ has expanded to cover a more diverse range of people; McKee et al argue that the group is now much more varied in terms of age, with some tenants ‘trapped’ in private renting for most of their lives.²²² Older couples that have sold their homes due to separation, known as ‘silver-splitters’, do not have enough individual wealth to allow for a deposit.²²³ They transition from homeownership ‘back’ into renting.²²⁴ The rhetoric frames renting as a form of regression, highlighting the popular negative discourse surrounding Generation Rent¹ and renting more broadly. My analysis of Generation Rent¹ is intended to highlight the difficulties facing young people but does not disregard problems faced by all age cohorts. Focusing on the ‘imbedded intergenerational hardship’²²⁵ also fails to recognise the widespread intergenerational support. The Resolution Foundation report highlighted the intergenerational differences but simultaneously showcased the importance of family (usually parental) support. They found that ‘[it would take] the average low-to-middle income household 31 years to accumulate a deposit for the average first home if they saved 5 percent of their income each year and had no access to the “bank of Mum and Dad”’²²⁶. This phrase has become almost as commonplace as the term ‘Generation Rent’.

For many young people, financial support from relatives is not only helpful, but necessary. Education has played some part in this. It is now mandatory for young people to continue their education until they are 18, unless they are part of an apprenticeship scheme or something similar.²²⁷ Both routes offer less financial reward in the short-term than full-time employment. Apprentices are paid a minimum wage of £3.90 an hour²²⁸, providing very little scope for savings. Students that pursue higher education are also likely to have debts of up

²²⁰ Bessant et al (2017), p.32

²²¹ English Housing Survey 2017-2018 Headline Report, available at: <https://www.gov.uk/government/statistics/english-housing-survey-2017-to-2018-headline-report> [accessed August 2019]

²²² McKee et al (2019), p.6

²²³ See: <https://www.theguardian.com/lifeandstyle/shortcuts/2017/jun/12/rise-silver-splitters-elderly-renters-retired-divorcees-trend> [accessed May 2019]

²²⁴ *Ibid*

²²⁵ Resolution Foundation (2011), *Making a Rented House a Home: Housing solutions for ‘generation rent’*, available at: <https://www.resolutionfoundation.org/app/uploads/2014/08/Making-a-Rented-House-a-Home.pdf> [accessed April 2019], p.3

²²⁶ Resolution Foundation (2011), *Making a Rented House a Home: Housing solutions for ‘generation rent’*, available at: <https://www.resolutionfoundation.org/app/uploads/2014/08/Making-a-Rented-House-a-Home.pdf> [accessed April 2019], p.4

²²⁷ s.1 Education and Skills Act 2008

²²⁸ Information acquired from: <https://www.gov.uk/national-minimum-wage-rates> [accessed September 2019]

to £40,000²²⁹ and little work experience. Either route has the potential for long-term rewards, but this does not help under-30s struggling to afford a mortgage. Martin Lewis, founder of the Money Saving Expert website, rejects the argument that student debt is always detrimental, citing concerns that this may lead to a drop in underprivileged young people from attending university.²³⁰ Still, there is a psychological weight of debt, and this can be more distressing than the financial burden itself.²³¹ The minimum age of graduation in the UK is 21; even if graduates attain immediate employment, they are unlikely to save for a deposit before their late-20s. This is the case even with the most scrupulous saving techniques. Recent tabloid and social media reports encouraging young people to sacrifice their 'daily coffees and avocado toast'²³² are not only unfair but could add to the intergenerational discord.²³³ Previous generations are inexperienced with the challenges of saving for a large deposit as a first-time buyer.²³⁴ Not only are deposits at their highest, but other social, societal and financial elements are at play.²³⁵

The expected living age is one such factor. According to the Office for National Statistics (ONS), 'life expectancy at birth in the UK has increased since 1980–1982 by 13.5 weeks per year on average for men and 9.8 weeks per year on average for women.'²³⁶ The increase is more dramatic compared with earlier decades. This has had an impact on house prices, as more people are living in their own homes for a longer period. Inheriting property is also much less likely to happen for younger people, if at all. Many pensioners use homeownership as a safety net or nest egg²³⁷, and there may not be anything left for their heirs to inherit once they pass away. This is especially likely if there are specific health or caring needs.²³⁸ With 1 in 4 people in the UK now expected to live to be 100 years old, direct heirs are likely to be pensioners before they can expect to inherit. This supports Bessant et al's argument that the intergenerational hardship is greater than intergenerational support. They also cite the fact that young people are living through austerity to pay for the mistakes of their parents and

²²⁹ Although recent reports suggest this may now be over £50,000. The website <https://www.moneysavingexpert.com/students/student-loans-tuition-fees-changes> offers details on students loans and how much students can actually expect to repay [accessed August 2019]

²³⁰ See: www.moneysavingexpert.com [accessed August 2019]

²³¹ See, for example: E. Sweet, A. Nandi, E. K. Adam & T. W. Mcdade (2013), 'The high price of debt: Household financial debt and its impact on mental and physical health', *Social Science & Medicine*, Vol.91, pp.94-100

²³² See: <https://www.theguardian.com/lifeandstyle/2017/may/15/australian-millionaire-millennials-avocado-toast-house> [accessed April 2018]

²³³ J. Hoolachan & K. McKee (2018) 'Inter-generational housing inequalities: 'Baby Boomers' versus 'Millennials'', *Sage*, Vol.56(1), pp.210-225

²³⁴ S. Clarke & J. Wood (2018), 'Housing of the rising son (or daughter): the impact of parental wealth on their children's homeownership', *Resolution Foundation*:

<https://www.resolutionfoundation.org/publications/house-of-the-rising-son-or-daughter/> [accessed May 2019]

²³⁵ McKee et al (2017)

²³⁶ <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/lifeexpectancies/articles/howhaslifeexpectancychangedovertime/2015-09-09> [accessed April 2019]

²³⁷ Kaplan (2010)

²³⁸ *Ibid*

grandparents.²³⁹ They suggest that the growing number of young people privately renting is an example of such consequences. Although I do not agree that privately renting should be framed as a problem, it is a problem if young people feel ‘trapped’ in the PRS with less housing choices than their parents.²⁴⁰

Nowadays, young people face the same pressures to own their own homes, but without the same support of previous generations. The current government has maintained the representation of owner-occupation as the ‘ideal’, echoing the pro-homeownership governmental messages of the last 100 years.²⁴¹ It may be inaccurate to claim that a UK-wide housing policy exists due to the different geographical, political and economic structures in place²⁴², but the trajectory towards homeownership across the regions cannot be overlooked. Examples of recent State interference that have sought to boost homeownership include schemes such as RTB, ‘Help to Buy’ and the option to buy through shared ownership.²⁴³ The topic of homeownership features in the very first paragraph of the 2017 Conservative Manifesto under ‘Homes for All’:

We have not built enough homes in this country for generations, and buying or renting a home has become increasingly unaffordable. If we do not put this right, we will be unable to extend our promise of a decent home, let alone homeownership, to the millions who deserve it.²⁴⁴

The issue of not ‘enough homes’ is curious in light of government figures showing that there were 634,453 vacant dwellings in England in October 2018 and 216,186 are classified as long-term vacant dwellings.²⁴⁵ Some academics argue that a better solution is to introduce an empty home tax rather than building more homes.²⁴⁶ The concept of building ‘homes’ is interesting, as it does not distinguish between buying or renting, placing the two types of housing on somewhat equal footing. Yet the sentiment that millions more ‘deserve’ homeownership frames the latter as the norm.

Alongside pro-homeownership propaganda there is also widespread political and media rhetoric that suggests being a private tenant is lesser.²⁴⁷ Many campaign groups, charities

²³⁹ Bessant et al (2017)

²⁴⁰ McKee et al (2017)

²⁴¹ *Ibid*

²⁴² McKee et al (2017)

²⁴³ D. Cowan, A. Wallace & H. Carr (2015), ‘Exploring experiences of shared ownership housing: reconciling owning and renting’, available at:

<https://www.york.ac.uk/media/chp/documents/2015/sharedOwnershipCHPL.pdf> [accessed July 2019]

²⁴⁴ Conservative Manifesto (2017), p.70

²⁴⁵ Live tables on dwelling stock, available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> [accessed September 2019]

²⁴⁶ See: J. Bourne (2019), ‘Empty homes: mapping the extent and value of low-use domestic property in England and Wales’, *Palgrave Communications*, Vol.5(1), pp.1-14, available at: https://find.shef.ac.uk/primo-explore/fulldisplay?docid=TN_doaj_soai_doaj_org_article_0e464362ae944dbb85fa4115654e3d51&context=P_C&vid=44SFD_VU2&lang=en_US&search_scope=SCOP EVERYTHING&adaptor=primo_central_multiple_fe&tab=everything&query=any,contains,empty%20homes%20in%20england&offset=0 [accessed September 2019]

²⁴⁷

and think tanks have lobbied the government to fix the ‘intergenerational housing inequalities’²⁴⁸, arguing that long-term private renting is not a viable lifestyle.²⁴⁹ Certainly, housing inequalities should be on the government agenda, but the unrelenting assault against private renting, across the media and political spectrum, is no doubt affecting the home experiences of individual tenants.²⁵⁰ If media and political outlets portray renting as a second-class option, public opinion is also likely to reflect this. The pressure from the ‘judgement of others’ often shapes individual’s opinions and actions.²⁵¹ Housing can be considered as a way of communicating societal status, and a marker of social mobility.²⁵² This is because it is visible to society; it is the symbol of the person from a street view and beyond. Every aspect of that housing is assessed and contributes towards an individual’s social standing within that community.²⁵³ Allen suggests housing is a ‘means to an end’ in terms of self-expression and societal perception²⁵⁴, but for Generation Rent¹ the problems with this are two-fold. First, the ‘means to an end’ is no simple task; it may take years, even decades, to acquire a mortgage. If individuals stay within their community it is also unlikely to impact their standing after many years saving as a tenant. Further, they may never become a homeowner at all.²⁵⁵ If housing has become the standard determination of social standing, Generation Rent¹ are doomed to be second-class citizens.

Societal perception reflects, and has largely been swayed by, governmental policy²⁵⁶; but why is the government interested in homeownership over renting? McKee et al believe it is because ‘homeownership occupies a pivotal role in asset-based welfare regimes, which presume individuals can accumulate (housing) wealth to pay for their welfare needs across the life cycle’²⁵⁷. It is not uncommon for homeowners to sell their home to pay for healthcare costs, particularly for care facilities.²⁵⁸ Housing is still commonly viewed as something accrued during a lifetime, often for the next generation’s benefit.²⁵⁹ The study by McKee et al also revealed that young people value security and autonomy, and believe that homeownership is more likely to offer both things.²⁶⁰ This is explored further in my empirical study.²⁶¹ It is unsurprising that a secure tenure, the option of personalisation and the choice to have pets

²⁴⁸ See: A. Moreton (2013), ‘Housing and Intergenerational Fairness’, *Policy Exchange*, available at: <https://policyexchange.org.uk/wp-content/uploads/2016/09/housing-and-intergenerational-fairness.pdf> [accessed May 2019]

²⁴⁹ McKee et al (2017)

²⁵⁰ See my empirical analysis for more on this; Chapter 8

²⁵¹ P. Bourdieu (2000), *Pascallian Meditations* (Stanford University Press)

²⁵² R. Rowlands and C. Gurney (2000), ‘Young people’s perceptions of housing tenure: a case study in the socialization of tenure prejudice’, *Housing, Theory and Society*, Vol.17(3), pp.121-130

²⁵³ J. Kenemy (2013), *Housing and Social Theory* (London: Routledge)

²⁵⁴ C. Allen (2007), *Housing Market Renewal and Social Class* (London: Routledge), p.74

²⁵⁵ Gustafsson (2019)

²⁵⁶ Crawford & McKee (2018)

²⁵⁷ McKee et al (2017), see also; Lowe et al (2011), Izuhara (2016)

²⁵⁸ Kaplan (2010)

²⁵⁹ *Ibid*

²⁶⁰ McKee et al (2017), p.325

²⁶¹ See Chapter 7 onwards

or children may be more desirable than otherwise. As discussed in Chapter 2, autonomy, particularly over the environment, is important to personhood.²⁶² Rose also argues that it is important for an individual to have the capacity to consume, and to consume as society deems acceptable.²⁶³ Generation Rent¹ not only consume a type of housing deemed to be second class, but lack choice within that housing parameter. They cannot determine how the house looks or the extent of activities that take place within. The house exterior conveys a great deal to outsiders²⁶⁴, but tenants are not able to determine it. However, renting can be beneficial to certain lifestyles. For students, careerists and single-occupancy households, renting may be advantageous to homeownership. This is because private renting offers flexibility and less responsibility.²⁶⁵ Of course, some members of these groups may feel that private renting is not a choice. This may lead to a negative relationship with the tenanted home.

Generation Rent¹ has become part of a negative populist discourse²⁶⁶ aimed at individuals and groups that do not conform to the image of the housed nuclear family.²⁶⁷ McKee et al describe Generation Rent¹ as being ‘trapped’ as they aspire to something that they financially cannot afford; their inability to become homeowners is something to ‘fix’, and is linked with shame.²⁶⁸ Similar rhetoric was used in the government white paper ‘Fixing our broken housing market’²⁶⁹, demonstrating how the negative discourse is linked with governmental policy. The abundant use of terms such as ‘problem’, ‘fix’ and ‘broken’ in relation to Generation Rent¹ in different news medias, reflects the negative populist discourse, and demonstrates how individuals face pressure from numerous sources.²⁷⁰ The idea that Generation Rent¹ are ‘trapped’ also evokes a prison, thereby highlighting the problems with the PRS. Individuals are not only pulled towards homeownership – they are also pushed from privately renting.²⁷¹ Primarily, the ‘push’ factors are the deregulation of rent and the dramatic decrease in security of tenure. In this manner, Generation Rent¹ have existed in everything but name since the Housing Act 1988. The financial crash made a bad situation worse, but

²⁶² M. J. Radin (2009), *Reinterpreting Property* (University of Chicago Press)

²⁶³ N. Rose (2000), ‘Community, Citizenship, and the third way’, *Sage Journals*, Vol.43(9), pp.1395-1411

²⁶⁴ As above; also, see: E. Goffman (1959), *The Presentation of Self in Everyday Life* (London: Penguin)

²⁶⁵ See J. Rugg & D. Rhodes (2008), *The Private Rented Sector: its contribution and potential* (York: Centre for Housing Policy)

²⁶⁶ McKee et al (2019), p.6

²⁶⁷ See, for example: R. Madigan, M. Munro and S. J. Smith (1990), ‘Gender and the meaning of home’, *International Journal of Urban and Regional Research*, Vol. 14(4), pp.624-647, see also: N. V. Pilkauskas & C. Cross (2018), ‘Beyond the Nuclear Family: Trends in Children Living in Shared Households’, *National Library of Medicine*, Vol.55(6), pp.2283-2297

²⁶⁸ McKee et al (2017), p.16

²⁶⁹ Report available at: <https://www.gov.uk/government/publications/fixing-our-broken-housing-market> [accessed July 2019]

²⁷⁰ See, for example: K. McKee & T. Moore (2014), ‘Problematising Generation Rent’, *Centre for Housing Research*, available at: http://ggsrv-cold.st-andrews.ac.uk/chr/news/blog_mckee.aspx See also: <https://www.theguardian.com/society/2014/mar/16/generation-rental-housing-crisis-shortage> [accessed September 2019] <https://www.thesun.co.uk/news/5752458/housing-crisis-theresa-may-opinion/> [accessed September 2019]

²⁷¹ Kemp (2015)

deregulation of rent has caused problems for private tenants aspiring to homeownership long before 2008. Increases in rent meant that young people in the PRS could not save for a deposit. Further, the decrease in security of tenure made long-term renting unfeasible. If the PRS offered a better alternative to homeownership, Generation Rent¹ would not exist in the capacity that it does today.

It should be noted that some of the problems plaguing the PRS since the Housing Act 1988 have been addressed, often due to the campaigning of the lobbying group Generation Rent³. Most notably, they have campaigned for the end of s.21 evictions, and the Renters Reform Bill currently moving through Parliament is intended to do so. Their report 'Causes and Consequences of Eviction in Britain'²⁷², published in October 2016, reviewed the limited security of private tenants and the remaining problems of so-called 'revenge evictions' which the government legislated against in the Deregulation Act 2015. They regularly engage with the private tenant community to understand the challenges of living in the PRS and seek to represent their views, including the socio-economic group Generation Rent¹.²⁷³ The lobbying group's success is a testament to the political and media interest garnered by Generation Rent², and that much work is still needed to be done to address the problems facing private tenants, especially in relation to insecurity of tenure. It may be argued that the recent restrictions placed on s.21 notices, mentioned above, rebalance the landlord-tenant relationship and offer better protections for private tenant's homes. However, ongoing campaigns by Generation Rent³ suggest this is not the case.²⁷⁴ Further, my empirical investigation suggests that the restrictions have done little to improve tenant's experiences of home, largely because they are unaware of restrictions and any further protections they may be entitled to.²⁷⁵

Summary

This chapter explores the development of the PRS over the last 100 years, and how that development has helped to create the socio-economic group Generation Rent¹ and potentially impacted the tenant experience of home. This relates to both my research questions:

1. How far does the pre-Housing Act 1988 conceptualisation of 'home' in English legislation and case law relating to the private rental sector correspond to the conceptualisation of 'home' in the scholarly literature across disciplines?

²⁷² Available:

https://d3n8a8pro7vhm.cloudfront.net/npto/pages/4322/attachments/original/1477662310/Evictions_report_David_Adler.pdf?1477662310

²⁷³ See: <https://www.generationrent.org/about> [accessed January 2020]

²⁷⁴ See: https://www.generationrent.org/end_unfair_evictions [accessed January 2020]

²⁷⁵ See Chapter 8

2. What are the home experiences of Generation Rent¹, and how far are these shaped by their ASTs under the Housing Act 1988?

This chapter outlines the necessary legal context and policies to answer my research questions; Chapter 5 will build upon this foundation and analyse the legal concept of home with reference to PRS case law and legislation. Chapter 6 onwards analyses my empirical investigation and addresses my second research question in more detail.

According to the government Housing Survey of 2017-18, the PRS now accounts for 19.5% of households in England.²⁷⁶ Evidence also suggests that the sector is in a state of constant flux.²⁷⁷ New legislation affecting private landlords and their tenants is introduced on a regular basis and has undergone many changes over the last four decades. These changes are particularly apparent in relation to security of tenure, which has emerged as a key theme in my thesis so far and is explored in later chapters with reference to my empirical investigation and analysis. The Rent Act 1977 offered protected tenants a lot of protection, including fair rent and long-term tenure. By contrast, the Housing Act 1988 reduced the levels of protection, and made eviction much easier for landlords. For many, the changing housing sector in England (and the UK more broadly) appears to be a story of push rather than pull; households must adapt, rather than feel drawn to a certain style of housing arrangement. This push/pull dynamic is exemplified by Generation Rent¹ itself; they want to leave the PRS and move on to homeownership. My participants have only ever experienced the PRS under the Housing Act 1988, and their lack of security is no doubt a driving factor in their aspirations. However, as this chapter has demonstrated, the group have also been influenced by the legacies of previous legislation, as well as the experiences and attitudes of their families.

If current trends continue, homeownership will fall to 60% by the mid-2020s and the PRS will grow to 24%.²⁷⁸ That would suggest that as many as 20 million English citizens would call private rented accommodation home. Significantly, on average, the current cost of rent in the PRS amounts to 35% of the household income.²⁷⁹ By contrast, those buying their home with a mortgage spend around 18% of their household income on mortgage payments.²⁸⁰ Put simply, this means that renters pay a greater portion of their income on accommodation that has a limited (or even non-existent) security of tenure. Current trends suggest that this will continue to grow. Generation Rent¹ is not a new phenomenon, nor it is something that is likely to change anytime soon. Economic factors, governmental policy and societal

²⁷⁶ English Housing Survey 2017-18, available at: <https://www.gov.uk/government/statistics/english-housing-survey-2017-to-2018-private-rented-sector> [accessed August 2019]

²⁷⁷ Rhodes (2015)

²⁷⁸ Heywood (2015), p.11

²⁷⁹ English Housing Survey 2017-18 (PRS), available at: <https://www.gov.uk/government/statistics/english-housing-survey-2017-to-2018-private-rented-sector> [accessed August 2019]

²⁸⁰ English Housing Survey 2017-18 (homeownership), available at: <https://www.gov.uk/government/statistics/english-housing-survey-2017-to-2018-home-ownership> [accessed August 2019]

expectations have all helped to craft a group of young people that aspire to homeownership but feel essentially 'trapped' in rented accommodation.²⁸¹ The size and diversity of the group has grown in recent years, and the length of time an individual spends as a tenant during their lifetime can be expected to rise.²⁸² The recent government proposals to repeal s.21 eviction notices will go some way towards increasing security of tenure and may make the sector more appealing overall.²⁸³ However, this may not be enough to change public perception of the PRS and the overwhelming preference for homeownership.

This relates to the choice of quote at the beginning of the chapter: 'A man travels the world over in search of what he needs and returns home to find it.' The quote denotes the idea of an individual searching for something that they already have. As members of Generation Rent¹, my participants aspire to another form of tenure; they are searching for home. This is despite the fact that they enjoy positive home experiences in their current tenant home.²⁸⁴ Focusing on the future detracts the present; their tenant homes satisfy their needs but remain undervalued.²⁸⁵ It is unclear whether repealing s.21 eviction notices will change their aspirations or their perceptions of their tenant homes. The PRS is a viable, and important, element of the UK housing landscape, yet the very term 'Generation Rent' has become an insult on the sector, and arguably reinforces its perception by the public as something undesirable and impermanent. These issues are explored in more detail in relation to my empirical research in Chapter 6. The next chapter explores my choice of methodology and methods and concludes the 'Introductory Section' of my thesis.

²⁸¹ Mckee & Soaita (2018)

²⁸² Mckee, Soaita & Munro (2019)

²⁸³ See: <https://www.gov.uk/government/news/government-announces-end-to-unfair-evictions> [accessed August 2019]

²⁸⁴ See Chapter 6 onwards for more details on my empirical research

²⁸⁵ This relates to the aforementioned Janus Syndrome; see Chapter 7

4. Methodology and Methods

‘Home is where one starts from. As we grow older / The world becomes stranger, the pattern more complicated [...]’

~ T.S. Eliot¹

Overview

The introductory chapter of my thesis briefly references methodology; this chapter explores the topic, and other related issues, in greater detail. It has already been established that my thesis is socio-legal in nature, employing both doctrinal and empirical elements. Although the socio-legal approach may often be defined by its differences to the traditional doctrinal approach², there is now greater collaboration and understanding between the two.³ Socio-legal and doctrinal research are now seen less as ‘alternative paradigms’⁴ and more as complementary approaches.⁵ Dixon argues that the modern ‘value for money’ assessment of research and research methodologies has acted as a challenge for doctrinal researchers.⁶ Interdisciplinary and mixed method approaches are now much more common. Similarly, there has been a rise in ‘law and ...’ approaches, such as law and economics.⁷ Despite this, a purely doctrinal approach has recognisable benefits. It may seem obvious that any legal researcher should recognise what law is before exploring its real-world application or suggesting reform.⁸ It is referred to as the ‘black-letter’ approach as it is directly and exclusively concerned with law itself. Although the socio-legal approach may be interested in law in action, it is still interested *in law*.⁹ Mixing these approaches is therefore not only reasonable, but effective.¹⁰

My thesis uses a doctrinal approach to analyse the use of the term ‘home’ in PRS legislation. This is further supported by my analysis of PRS case law to understand the legal concept of home. This relates to my first research question:

¹ T. S. Eliot (1940) *Four Quartets, Part II: East Coker* (part V)

² Wheeler & Thomas (2002)

³ C. McCrudden (2006), ‘Legal Research and the Social Sciences’, *Law Quarterly Review*, Vol.132, pp.632-645

⁴ F. Cownie (2004), *Legal Academics: Culture and Identities* (Hart: Oxford)

⁵ McCrudden (2006)

⁶ M. Dixon (2016), ‘A Doctrinal Approach to Property Law Scholarship: Who Cares and Why?’, in S. Bright and S. Blandy (eds) *Researching Property Law* (London: Palgrave), p.1

⁷ D. H. Cole (2016), ‘The Law and Economics Approach to Property’, in S. Bright and S. Blandy (eds) *Researching Property Law* (Palgrave: London), pp. 106-122

⁸ Dixon (2016), p.1

⁹ Banakar & Travers (2005)

¹⁰ *Ibid*

1. How far does the pre-Housing Act 1988 conceptualisation of 'home' in English legislation and case law relating to the private rental sector correspond to the conceptualisation of 'home' in the scholarly literature across disciplines?
2. What are the home experiences of Generation Rent¹, and how far are these shaped by their ASTs under the Housing Act 1988?

My first research question is addressed throughout the thesis, but is the focus of Chapters 2, 3 and 5. The second question requires empirical research, which grounds my thesis in real experiences and is explored in Chapter 6 onwards.¹¹ A socio-legal approach supplemented by doctrinal analysis is the best way to answer my research questions, supporting the idea that doctrinal and socio-legal approaches may be complementary. Analysing these three perspectives of home (cross-disciplinary, legal, individual) alongside one another allows for a greater discussion on their similarities and differences, and the potential interplay and impact of those similarities and differences. Home is not just a theoretical concept; it is a lived experience and shapes individual lives. This chapter explores the benefits of my methodological approach, as well as its shortcomings, and how I have responded to such. Theoretical and ethical issues are addressed, particularly in relation to grounded theory and phenomenology. The latter are analysed in-depth, including how they have informed the structure of my thesis, as well as the interplay between the two approaches. The decision to use certain methods, including questionnaires and semi-structured interviews, is also discussed, as well as the process of recruiting participants. My post-empirical reflections are featured in Chapter 9.

Theoretical Considerations

Walliman argues that researchers in the social science fields 'are interested in how to study human behaviour, its causes and consequences'¹². The scope is wide and the debate around the nature of social science research is ongoing and based on the philosophical aspects of epistemology and ontology. Epistemology relates to the theory of knowledge, its validity and the different methods used to acquire it; it is also determined by ontology.¹³ The latter refers to the theory of the nature of human entities. According to Crotty, ontology governs epistemology, which in turn influences theoretical perspectives, and thereby the chosen methodology and methods.¹⁴ Easterby-Smith et al take this further and point out that having an epistemological perspective is important for clarifying issues of research design.¹⁵ I also take this view and believe it is important for researchers to be open regarding their epistemological positions, and how this has shaped their approach.

¹¹ See the 'Experiencing Home' section of my thesis.

¹² Walliman (2016), p.4

¹³ M. Williams & T. May (1996), *Introduction to the Psychology of Social Research* (London: UCL Press), p.69

¹⁴ M. Crotty (1998), *The Foundations of Social Research* (London: Sage)

¹⁵ Easterby-Smith, Thorpe & Lowe (2002)

Bryman identifies objectivism and constructionism as two opposing theoretical positions within the social sciences.¹⁶ My thesis focuses on the latter. First developed by Rand, objectivists believe that reality exists independently of consciousness.¹⁷ Constructionists believe social knowledge can only be determinate; social phenomena change constantly, reliant as they are on social interactions. This corresponds well with interpretivism and phenomenology. Cohen and Manion highlight the former as based philosophically in idealism; the world exists but is subject to individual interpretation.¹⁸ Crotty argues that interpretivists search for 'culturally derived and historically situated interpretations of the social life-world'¹⁹. Phenomenologists are also interested in social phenomena, and the experience thereof, thereby complementing constructionism. In socio-legal research, phenomenology seeks to explore how law is 'shaped by everyday practices'²⁰ and vice versa²¹. Edmund Husserl is credited as the founding father of phenomenology, yet many philosophers, including Heidegger, Sartre, Schütz and Habermas, have shaped and contributed to the cause.²² Consequently, Aspers claims that 'it is futile to attempt to identify one single doctrine in phenomenology; rather, it is better to see it as a movement united by a common core'²³. Conversely, some researchers, for example Colaizzi, argue that there are 'correct steps' for a phenomenological researcher to take.²⁴ Aspers attempts to add some parameters by describing phenomenology as 'an holistic rather than atomistic approach; meaning is understood in context, and understanding can only emerge in a process'²⁵. The approach thereby works well within the scope of socio-legal research; Schütz claimed that the beginning of social sciences is the ordinary social life of people.²⁶ Phenomenology embraces this sentiment and focuses on the experience of individuals.

My thesis explores the legal conceptualisation of home within the PRS, as well as the individual experiences of home of members of the socio-economic group, Generation Rent¹. It also examines the relationship between the two phenomena: how does the legal conceptualisation of home impact tenant experiences, and vice versa? It therefore employs many phenomenological elements, particularly for the empirical design and approach, as discussed below. However, phenomenology can be criticised as overly descriptive in nature.²⁷ Phenomenologists seek to describe what the phenomena *is* but may not necessarily analyse

¹⁶ A. Bryman (2015), *Social Research Methods* (Oxford: Oxford University Press) pp.32-33

¹⁷ See: L. Peikoff (1991), *Objectivism: The Philosophy of Ayn Rand* (New York: Dutton)

¹⁸ L. Cohen & L. Manion (2011), *Research Methods in Education* (London: Routledge), pp.10-11

¹⁹ Crotty (1998), p.67

²⁰ S. Blandy (2016), p.31

²¹ Cotterrell (2006)

²² R. Sokolowski (2000), *Introduction to Phenomenology* (Cambridge: Cambridge University Press)

²³ P. Aspers (2009), 'Empirical Phenomenology: A Qualitative Research Approach', *Indo-Pacific Journal of Phenomenology*, Vol.9(2), pp.1-12, p.2

²⁴ P. Colaizzi (1978), 'Psychological research as a phenomenologist views it', in R. Valle & M. King (Eds), *Existential Phenomenological Alternatives for Psychology* (Oxford University Press)

²⁵ Aspers (2009), p.2

²⁶ A. Schütz (1972), *The Phenomenology of the Social World* (Heinemann Educational Publishers), p.141

²⁷ M. van Manen (2014), *Phenomenology of Practice (Developing Qualitative Inquiry)*, (EDS Publications Ltd.)

the *why* or *what if*. Although the focus is on detail, the approach remains inherently critical, and is ideally suited to garner greater understanding of social experiences.²⁸ My thesis is interested in determining what the home experiences of Generation Rent¹ are, but also how they relate to their status as tenants. A purely descriptive approach would not achieve my aims and objectives, and so my project adopts an amalgamation of phenomenology and grounded theory. The latter is discussed in more detail below, as well as the benefits and challenges of combining the two methodologies.

Despite the fact it complements an interest in law in the real world, phenomenology lacks popularity within the socio-legal field.²⁹ This may be due to its controversial history within the social sciences.³⁰ Indeed, phenomenology can be confusing as it acts as both a philosophy and a methodology.³¹ Followers of Husserl and Heidegger conceptualise phenomenology as a philosophy; a means of describing and even classifying individual experiences of the 'life world'³². Schutz, however, viewed phenomenology as a methodological approach to help explain the latter.³³ The 'life world' is a complicated notion and is interpreted by Gregova as formal yet discrete structures, whereas the 'social world' better describes everyday actions and experiences.³⁴ Spiegelberg argues that phenomenology is a means to create greater understanding of such experiences. Phenomenology is thereby complicated but fits with my philosophical position and remains an effective approach to understanding and explaining the experiences of members of Generation Rent¹. My thesis does not adopt a strict phenomenological approach but has instead borrowed elements that are best suited to answering my research questions. My empirical investigation was heavily influenced by the phenomenological approach. Legal terminology was avoided in the early stages of the interviews, allowing my participants to 'raise legal issues and express them in their own words'³⁵. The structure of the interview was also guided by phenomenology, with Aspers' 'A-Scheme'³⁶ used as inspiration. Methods are explained and critiqued in more detail below.

As my thesis uses an empirical investigation, it also applies an inductive reasoning approach, in the form of grounded theory. Gray suggests that 'induction moves from fragmentary

²⁸ D. Jopling (1996), 'Sub-phenomenology', *Human Studies*, Vol.19(2), pp.153-73

²⁹ M. D. Gubser (2014), *The Far Reaches: Phenomenology, Ethics, and Social Renewal in Central Europe (Cultural Memory in the Present)*, (Stanford University Press)

³⁰ D. Rehorick & G. Taylor (1995), 'Thoughtful incoherence: first encounters with the phenomenological-hermeneutic domain', *Human Studies*, Vol.18, pp.389-414

³¹ C. Goulding (2005), 'Grounded theory, ethnography and phenomenology', *European Journal of Marketing*, Vol.39(3/4), pp.294-308

³² M. Heidegger (1962), *Being and Time* (New York: Harper & Row)

³³ A. Schutz (1967)

³⁴ M. Gregova (1996), 'Restructuring of the life world of socialism', *International Sociology*, Vol.11(1), pp.63-78

³⁵ Blandy (2016), p.31

³⁶ Aspers (2009), see also Appendix 5 for the original diagram and Appendix 6 for my version

details to a connected view of a situation'³⁷. The move from fragmentary to connected reflects my overall research design. My thesis integrates the cross-disciplinary interpretation of home, the legal conceptualisation within PRS legislation and case law, as well as individual experiences of members of Generation Rent¹. All these separate strands relate to, and impact, one another; united, they help to create a greater understanding of home and its many dimensions. To continue Gray's analogy, in my thesis, aspects of phenomenology help to reveal the fragments and grounded theory builds the picture. This is arguably too simplistic. In some research projects it is not always beneficial, or even possible, for a researcher to remain on one side of the inductive/deductive divide.³⁸ Researchers often borrow from both approaches. This led to the development of the hypothetico-deductive method in the 1960s.³⁹ Commonly referred to as the scientific method, it is both inductive and deductive in nature, and creates a cycle of tests and hypotheses. My thesis does not adopt a cyclical approach but recognises that research may demand a flexible or non-binary attitude. My approach is not cyclical, but neither is it without a hypothesis. Although I use grounded theory in my thesis, my approach is not strict; my research design is based on and even demands some foreknowledge of the subject (see below). As noted by Gray: 'the very fact that an issue has been selected for research implies judgements about what is an important subject for research, and these choices are dependent on values and concepts.'⁴⁰ Bryman argues that 'theoretical reflection ought to be delayed until a later stage in the research process'⁴¹, but often it is necessary for reflection to be an ongoing process throughout the research. Overall, my thesis is 'bottom up'⁴² in nature, but theory has directed and even shaped my research questions; for example, the argument that there is no clear concept of home in the English legal system⁴³ prompted my interest in this area.

Gray's comments relate to the larger scope of my research: why those questions, aims and objectives? Aspers suggests that such decisions may be 'directly related to ongoing debates within a research community, the field of study or any other source'⁴⁴ including the researchers own interests. This need not undermine the inductive reasoning, but rather supplements the process and the attempt to formulate meanings, relationships or theories towards the end of the research endeavour. Integrity demands an open and honest approach and a researcher may anticipate a certain outcome without negatively impacting the results. At the beginning of the project, I anticipated correlation between the multidisciplinary analysis of home and the interpretation of individual experiences, but that did not undermine

³⁷ D. E. Gray (2009), *Doing Research in the Real World* (Sage online publication, available at: https://www.sagepub.com/sites/default/files/upmbinaries/58626_Gray_Doing_Research_in_the_Real_World.pdf#page=6), p.16

³⁸ Walliman (2016)

³⁹ See: K. Popper (2002) *The Logic of Scientific Discovery* (2nd ed.) (London: Routledge)

⁴⁰ Gray (2009), p.17

⁴¹ Bryman (2015), p.91

⁴² See: <https://www.socialresearchmethods.net/kb/dedind.php>

⁴³ Fox O'Mahony (2007)

⁴⁴ Aspers (2009), p.5

my empirical research. A lack of correlation can be just as interesting, if not more so. New and surprising findings can lead to fresh understandings and will build on the existing scholarship. My analysis of the empirical research is explored in the 'Experiencing Home' and 'Reconstructing Home' sections.

The issue of foreknowledge is particularly contentious to grounded theorists.⁴⁵ Some believe that once a research area has been determined, the researcher should enter the field immediately.⁴⁶ This usually means that there has been no comprehensive literature review, or perhaps no literature review at all. Instead, literature is consulted at every stage of the project.⁴⁷ Goulding recognises that the methodology involves 'an iterative, inductive and interactional process of data collection, simultaneous analysis, and emergent interpretation'⁴⁸. Put simply, grounded theory is a methodology that derives theory from data; as noted by Allan, 'if the data has been analysed without preconceived theory or hypothesis, that theory is truly grounded in the data because it came from nowhere else'⁴⁹. Of course, this is not entirely true: the theory has come from the researcher. Although the theory may have been crafted based on the data, the theory is an interpretation by the researcher. Further, Glaser and Strauss recognise that 'no sociologist can possibly erase from his mind all the theory he knows before he begins his research.'⁵⁰

Having no foreknowledge of a subject can also be expensive and time-consuming. Blindly entering a research project can make grant applications extremely challenging, which in turn risks making the project even more costly.⁵¹ Further, an approach that requires significant freedom and expense becomes reserved only for researchers at the pinnacle of their discipline, and thus narrows the scope of the research. Despite this, the approach has increased in popularity within the socio-legal sphere and the research community more broadly in recent years.⁵² This has led to a divergence of styles, some of which may be criticised as falling outside the parameters of grounded theory altogether.⁵³ In 1996, Locke went so far as to call it the 'anything goes' approach, referencing the multitude of researchers using the methodology as an almost umbrella term.⁵⁴ However, a research project need not follow stringent methodological guidelines. My thesis was crafted using elements of both

⁴⁵ C. Goulding (2002), *Grounded Theory: A Practical Guide* (London: Sage)

⁴⁶ C. Oliver (2012), 'Critical Realist Grounded Theory: A New Approach for Social Work Research', *British Journal of Social Work*, Vol.42, pp.371-387

⁴⁷ *Ibid*, see also: K. Charmaz (2009), 'Shifting the grounds: Constructivist grounded theory methods', in J. M. Morse, P. N. Stern, J. M. Corbin, B. Bowers & A. E. Clarke (eds.), *Developing Grounded Theory: The Second Generation*, (Walnut Creek, CA: University of Arizona Press)

⁴⁸ Goulding (2005)

⁴⁹ G. Allan (2003), 'A critique of using grounded theory as a research method', *Electronic Journal of Business Research Methods*, Vol.2(1), pp.1-10

⁵⁰ B. Glaser & A. Strauss (1967), *The Discovery of Grounded Theory: Strategies for Qualitative Research* (Chicago, IL: Aldine), p.253

⁵¹ Goulding (2002)

⁵² K. Charmaz (2014), *Constructing Grounded Theory* (London: Sage Publications)

⁵³ Goulding (2005)

⁵⁴ K. Locke (1996), 'Rewriting the discovery of grounded theory after 25 years?', *Journal of Management Inquiry*, Vol.5(3), pp.239-45

phenomenology and grounded theory. Phenomenology informed the empirical elements of the project, including the interview structure and questions. My thesis adopts a grounded theory approach for the data analysis stages, but not in the strictest sense.

Although Glaser and Strauss are credited as the founding theorists of grounded theory, disagreement regarding application has led to three different approaches.⁵⁵ This reflects the flexibility inherent in different methodologies, and the scope for researchers to tailor an approach best suited to their aims and objectives. The principal distinction between the grounded theory approaches again relates to foreknowledge, and the motivation behind the gathering of data. Glaser believed that the researcher should have no preconceived ideas about theory prior to data and analysis.⁵⁶ Strauss and Corbin believed that some theoretical statement is required to explain or predict the theory.⁵⁷ The latter appears to be a more transparent approach, embracing the complexities of research design. For a researcher to claim that they are gathering data free of expectations or motive is problematic; why gather the data? Research costs time and money, and neither should be spent without cause. On the other hand, preconceived notions go against the very idea of grounded theory; how can the theory be grounded in the data if the researcher approached the project with some idea of the outcome? The term 'grounded' evokes the idea of growth from the ground up; the data are the shoots that are nurtured into the fruits of theory. But shoots need seeds, and data and theory do not grow from nothing. My approach interprets 'grounded' as a verb; to be grounded. In every project a researcher risks influence from their own thoughts, experiences and expectations. Grounded theory relies on the data to ground the researcher. It is therefore important for the researcher to identify and address any possible assumptions, biases or preconceptions related to the project.⁵⁸

Grounded theory is therefore complex, but does not mean the researcher cannot have a preliminary research question in mind.⁵⁹ The key word is 'preliminary'; theory is crafted from data, not from assumptions.⁶⁰ The question is often the result of a literature review, or the experiences or observations of the researcher.⁶¹ Literature reviews can be considered incompatible with a strict grounded theory. However, as stated above, a researcher cannot be a clean slate⁶²; they are likely to be experts in their field with a wealth of knowledge they

⁵⁵ J. Esteves, I. Ramos & J. Carvalho (2002), 'Use of grounded theory in information systems area: An exploratory analysis' in D. Remenyi (ed.), *European Conference on Research Methodology for Business and Management Studies* (Reading University)

⁵⁶ B. Glaser (1998), *Doing Grounded Theory: Issues and Discussions* (Mill Valley, CA: Sociology Press)

⁵⁷ A. Strauss & J. Corbin (2015), *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory* (4th ed.) (London: Sage Publications)

⁵⁸ Strauss & Corbin (2015)

⁵⁹ K. Hunter, S. Hari, C. Egbu & J. Kelly (2005), 'Grounded theory: Its diversification and application through two examples from research studies on knowledge and value management', *Electronic Journal on Business Research Methods*, Vol.3(1), pp.57-68, p.66

⁶⁰ Glaser (1998)

⁶¹ K. M. Eisenhardt (1989), 'Building Theories from Case Study Research', *The Academy of Management Review*, Vol.14(4), pp. 532-550

⁶² Glaser & Strauss (1967), p.253

cannot simply forget.⁶³ Cutcliffe argues that literature reviews are important to identify gaps in knowledge⁶⁴; this paves the way for new theories. Ali and Birley argue that ‘an a priori interest should not reduce the quality of research or be “glossed” over in embarrassment’⁶⁵. Rather, researchers should be encouraged to have an active interest in their work.

To critique the legal concept of home within the PRS demands an in-depth knowledge of the concept of home overall. My thesis therefore utilises a literature review to explore the interpretation of home across many other academic disciplines and the core elements thereof. As the term ‘home’ is undefined in domestic legislation, identifying its core themes offers an effective gateway to examine the legal conceptualisation. The literature review thereby creates a base line by which to identify and compare the themes present in the cross-discipline approach, with PRS legislation and case law.⁶⁶ The scholarship featured in the literature review is a mix of philosophical and empirical research. My thesis offers a combination and comparison of both, drawing on the real-world experiences of members of Generation Rent¹. In this manner, my literature review also informs the interview questions for my empirical research. The next section discusses other methods, including semi-structured interviews, in more detail.

Methods

Van Maanen argues that qualitative research has no precise meaning, but that it employs different techniques to find meaning in ‘naturally occurring phenomena in the real world’⁶⁷. Bryman develops this further by categorising it as inductive, interpretivist and constructionist⁶⁸, although he warns against creating too great a distinction between qualitative and quantitative methods.⁶⁹ This is despite the historical tradition of comparing one against the other, often to the detriment of qualitative methods.⁷⁰ Quantitative research methods have been traditionally described as numerical; quantifiable; more scientific.⁷¹ However, Walliman argues that it is more beneficial to consider the two approaches as

⁶³ Eisenhardt (1989)

⁶⁴ J. R. Cutcliffe (2000), ‘Methodological issues in grounded theory’, *Journal of Advanced Nursing*, Vol.31(6), pp.1476-1484

⁶⁵ H. Ali & S. Birley (1998), ‘Integrating Deductive and Inductive Approaches in a Study of New Ventures and Customer Perceived Risk’, *Qualitative Market Research*, Vol.2(2), pp.103-110, p.12

⁶⁶ See Chapter 5

⁶⁷ J. van Maanen (1979), *Qualitative Methodology* (London: Sage Publications), p.520

⁶⁸ Bryman (2015), p.36

⁶⁹ *Ibid*, p.613

⁷⁰ K. Yilmaz (2013), ‘Comparison of quantitative and qualitative research traditions: epistemological, theoretical and methodological differences’, *European Journal of Education*, Vol.48(2), pp.311-325

⁷¹ L. M. O’Dwyer (2016), *Quantitative research for the qualitative researcher* (California: Sage Publications)

'polarizations'⁷² and that using one method need not exclude the other.⁷³ Moreover, although quantitative research may be considered more precise, it has limitations.⁷⁴ Quantitative methods are unlikely to be used in research involving emotions or experiences of individuals.⁷⁵ They may answer some types of questions, but, as per Glucksberg, 'it is only ethnographic, qualitative work that can attempt to answer the how and the why questions, which are, at the very least, just as important.'⁷⁶ Contemporary scholars are now much more willing to accept a plethora of methods and methodologies and are more likely to combine approaches; Mintberg claimed that 'hard data uncovers relationships, but soft data explains them'⁷⁷. Priority is given to clarity between methodology, aims and methods, and for many researchers, this makes a mixed method approach a suitable option.⁷⁸ For example, the previous chapter uses quantitative data in the form of government statistics relating to housing tenure and populations.⁷⁹ The data helps to contextualise the discussion of the research findings. However, my empirical investigation primarily focuses on qualitative methods in the form of questionnaires and semi-structured interviews, discussed below.

As stated above, my thesis incorporates a literature review to understand the conceptualisation of home across multiple academic disciplines. This understanding aids my analysis of the case law; I can determine when and if home is being directly or indirectly discussed. Cases were selected methodically based on their engagement with the legal concept of home within the PRS and the insights that they provided. I analysed influential cases such as *Uratemp*⁸⁰ and *McDonald*⁸¹ for references to home as a concept; they are respectively the leading cases on 'dwelling-house' under the Housing Act 1988⁸² and on 'home' for the purposes of the ECHR⁸³, so they were a natural starting point for my research. I then branched out my reading to other cases that were cited as authority or as relevant in the dicta. This process continued until I created a catalogue of over 150 cases. I reviewed these cases in relation to their engagement with the legal concept of home, both directly and indirectly, and proceeded to eliminate those deemed less relevant. This decision was often based on the legislation under discussion; many cases citing 'home' are outdated. Even so, some cases were chosen despite the fact that they focus on outdated legislation. *Lewin v*

⁷² Walliman (2016), p.32

⁷³ *Ibid*

⁷⁴ A. Queiros, F. Almeida & D. Faria (2017), 'Strengths and Limitations of Qualitative and Quantitative Research Methods', *European Journal of Education Studies*, Vol.3(9), pp.369-373

⁷⁵ J. W. Creswell & J. D. Creswell (2018), *Research Design: Qualitative, Quantitative, and Mixed-Method Approaches* (London: Sage Publications)

⁷⁶ L. Glucksberg (2018), 'A gendered ethnography of elites: Women, inequality, and social reproduction', *Journal of Global and Historical Anthropology*, Vol.81, pp.16-28, p.20

⁷⁷ H. Mintzberg (1979), *The Structuring of Organisations: A Synthesis of the Research* (Englewood Cliffs, NJ: Prentice-Hall)

⁷⁸ Walliman (2016), p.33

⁷⁹ See Chapter 3

⁸⁰ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2001] 3 W.L.R. 806

⁸¹ *McDonald v McDonald and Others* [2016] UKSC 28

⁸² See pp.121-125

⁸³ See pp.135-136

*End*⁸⁴, for example, refers to the Clergy Residences Repair Act 1776. The case remains important due to its discussion of the difference between ‘house’ and ‘dwelling-house’; ‘dwelling’ features in the Housing Act 1988 and thereby impacts contemporary PRS tenants. As shall be discussed in Chapter 5, the legal concept of home has been shaped over time. It is often necessary to revisit old cases to understand how significant terms (such as ‘dwelling’) have developed. My final selection of cases is available in my ‘Table of Authorities’.⁸⁵ Although I did use databases such as HeinOnline⁸⁶ and Westlaw⁸⁷ to find relevant cases, using these databases as a starting point would have been inefficient. My approach ensured that the chosen cases were relevant to the legal concept of home and PRS tenants.

Grounded theorists believe sampling to be a ‘common-sense’⁸⁸ process as the researcher will actively recruit participants that satisfy their research interests. Although imperfect, the snowball sampling technique was chosen as the best method to recruit suitable participants for my research. My three main contacts in London were willing to help recruit at least one suitable participant each. Those participants were then used to help identify other willing and suitable participants. The original contacts were also asked to establish 3 or 4 willing participants each as a contingency plan. Fortunately, this was not necessary, as each new participant suggested a friend or colleague that they believed would be suitable and interested. The technique created three separate chains of contacts and therefore greater diversity. The sample may be criticised as limited due to the small geographic region, and, in relation to this, the arguably narrow class of individuals. My definition of Generation Rent¹ follows a more traditional understanding; young people (18-35 years old) living in private rental accommodation that aspire to homeownership.⁸⁹ My participants were well-educated and mostly employed in well-paid jobs. The diversity of my participants was larger than the sample suggests; see Chapter 6 for more details. A narrower sample is more likely to reflect the opinions and experiences of certain people within that group, and thus is arguably more accurate and insightful.⁹⁰

The snowball sampling technique risked recruiting participants that did not share the ‘typical’⁹¹ characteristics of Generation Rent¹. Questionnaires were therefore used as a suitability test to prevent time-wasting and irrelevant or inaccurate data. Due to the nature of the snowball sampling technique, and my target location, my participants may be considered a small sub-group of Generation Rent¹; young graduates living in London. Some academics argue that the Generation Rent¹ group has expanded to cover a more diverse range of people. In particular, the group is now much more diverse in terms of age, with some

⁸⁴ *Lewin v End* [1906] AC 299

⁸⁵ See the Bibliography

⁸⁶ See: <https://heinonline.org>

⁸⁷ See: uk.westlaw.com

⁸⁸ M. Birks & J. Mills (2015), *Grounded theory: A practical guide (2nd ed)* (California: Sage Publications)

⁸⁹ McKee & Soaita (2018)

⁹⁰ J. W. Creswell & C. N. Poth (2017) *Qualitative Inquiry & Research Design* (London: Sage Publications)

⁹¹ McKee et al (2017)

tenants ‘stuck’ in private renting for most of their lives.⁹² Older couples that have sold their homes due to separation, known as ‘silver-splitters’, do not have enough individual wealth to allow for a deposit.⁹³ Although my sample does not cover the entire population or geography of Generation Rent¹, it does offer an in-depth understanding of the opinions and perspectives of this sub-group. Interviewing my sample has allowed for new and interesting insights that may not have been possible with a more geographically widespread population.⁹⁴

Participants were chosen based on several core characteristics, namely their housing status, age and location.⁹⁵ London was chosen as it is the most expensive and most desirable region for real estate and is home to a large population of tenants aspiring to homeownership.⁹⁶ It is therefore the geographic location most closely related to the group.⁹⁷ The official Generation Rent³ website regularly discusses issues of housing in London, demonstrating the fact that many people living in the city identify with the group.⁹⁸ According to a report by PwC:

[P]eople are increasingly being locked out of owning a home in London, demonstrated by the sharp rise in private rental levels and sharp fall in home ownership. High prices are making homes in the capital unaffordable to most and could undo a century-long trend towards rising home ownership rates. In just 25 years the city has been transformed to one where rental is becoming the norm – especially for younger people.⁹⁹

London was also chosen for reasons related to cost and efficiency; I have several contacts in the area that were willing to help find suitable candidates for interviews. Focusing on a particular area such as London does come with limitations. My research does not offer a cross-examination of the experiences of Generation Rent¹ in general. However, the focus on a smaller area offered a stronger narrative for these members of Generation Rent¹. It also ensured that geographical regulatory differences did not act as a big factor.

This group’s aspirations of homeownership made the exploration of the impact of tenure particularly interesting and relevant to my participants. The questionnaires also optimised the time and quality of the interviews, unhampered by fact-checking questions. Reliability

⁹² McKee et al (2019)

⁹³ See: <https://www.theguardian.com/lifeandstyle/shortcuts/2017/jun/12/rise-silver-splitters-elderly-renters-retired-divorcees-trend> [accessed May 2019]

⁹⁴ See Chapter 7 and Chapter 8

⁹⁵ As determined by my reading; see, for example: Hoolachan, McKee, Moore & Mihaela (2017)

⁹⁶ English Housing Survey 2017-2018, available at: <https://www.gov.uk/government/statistics/english-housing-survey-2017-to-2018-headline-report> [accessed August 2019]

⁹⁷ See: J. Hoolachan, K. McKee, T. Moore & A. Mihaela (2017), ‘“Generation Rent” and the ability to “settle down”’: economic and geographical variation in young people’s housing transitions’, *Journal of Youth Studies*, Vol.20(1), pp.63-78

⁹⁸ See: <https://www.generationrent.org/> [accessed August 2019]

⁹⁹ See: <https://www.telegraph.co.uk/finance/property/property-market/12157946/Generation-Rent-London-to-become-a-city-of-renters-by-2025.html>

and validity are key components for a successful questionnaire¹⁰⁰, and factors such as length, structure and usability were considered prior to dissemination.¹⁰¹ My participants were given as much time as they needed to answer the questions. Accessibility was not an issue for the chosen study group, but I was available for any assistance or clarifications. Open questions are less likely to be successful in the questionnaire format as they require ‘full concentration’ from the participant¹⁰², and so these were allocated to the interview portion of the research. Questionnaires are not usually compatible with a phenomenological approach due to their closed nature; further, the contents may be viewed as directional. However, as recognised by Adams and Cox, ‘sometimes it is useful to start with a questionnaire and then, for example, follow up some specific points...in order to fully explore some aspect of the phenomenon under study.’¹⁰³ Questionnaires act as a good point of entry for empirical research.

Phenomenologists regularly use interviews as a method, and typically plan a very few number of open-ended questions, commonly in the form of, ‘tell me about your experience of...’¹⁰⁴. Aspens suggests non-structured or semi-structured interviews are the most appropriate as the empirical phenomenologist ‘wants to explore the social world in a less predetermined way, reflecting actors’ meaning structures rather than her own.’¹⁰⁵ Unstructured interviews are more organic, less predictable and are thereby possibly more insightful.¹⁰⁶ They can also create irrelevant data and waste time.¹⁰⁷ Semi-structured interviews allow for some flexibility but are more cost-effective and ensure that the researcher covers essential ground. For my project, the semi-structured approach also ensured that legal terminology was avoided in the early stages of the interviews. My participants were encouraged to speak freely about their home and home experience, and only introduce legal themes or issues if they saw fit. I introduced the topic of tenure into the conversation in the later stages to ensure the issue was fully explored. As I am interested in my participants’ legal knowledge and controlled the introduction of legal issues and terminology, legal consciousness plays a role in my empirical research and analysis. According to Silbey:

[L]egal consciousness is used to name analytically the understandings and meanings of law circulating in social relations. Legal consciousness refers to what people do as well as say about law. It is understood to be part of a reciprocal process in which the meanings given by individuals to their world become patterned, stabilized, and objectified.¹⁰⁸

¹⁰⁰ A. Adams & A. L. Cox, Anna (2008), ‘Questionnaires, in-depth interviews and focus groups’, in: P. Cairns & A. L. Cox (eds.) *Research Methods for Human Computer Interaction* (Cambridge: Cambridge University Press), pp. 17–34, p.18

¹⁰¹ See the Concluding Section for a reflexive analysis on the questionnaires used

¹⁰² Adams & Cox (2008), p.20

¹⁰³ *Ibid*, p.17

¹⁰⁴ Aspens (2009), p.7

¹⁰⁵ *Ibid*, p.8

¹⁰⁶ D. Cohen & B. Crabtree (2006), ‘Qualitative Research Guidelines Project’, available at: <http://www.qualres.org/HomeUnst-3630.html> [accessed February 2019]

¹⁰⁷ J. Dana, R. Dawes & N. Peterson (2013), ‘Belief in the unstructured interview: The persistence of an illusion’, *Judgment and Decision Making*, Vol.8(5), pp.512-520

¹⁰⁸ S. Silbey (2008), *New Oxford Companion to Law* (Oxford University Press), p.2

Legal consciousness may study what individuals say and do, but it is understood as a social practice, and was developed by socio-legal scholars to understand how law ‘sustains its institutional power’¹⁰⁹. How individuals understand law and legal meanings is important; their understandings govern their everyday lives and choices and may eventually help to reshape law to fit those perceptions.¹¹⁰ Legal consciousness thereby works well with a phenomenological approach.

As a phenomenologist, Aspers champions the use of a diagram plan as opposed to a list or ‘linear sequence’ of questions.¹¹¹ This research project adopted a version¹¹² of Aspers’ ‘A-Scheme’¹¹³. This method utilises ‘blank boxes’ for questions developed during the course of the interview and to recognise connections unanticipated by the researcher.¹¹⁴ As the home is a very personal phenomena, novel themes or ideas are likely, and so the ‘A-Scheme’ format was chosen so they could be properly documented and explored.¹¹⁵ Each participant was afforded an hour and a half; this included gaining informed consent, filling in the brief questionnaire and the interview. In the social sciences there is no consensus in answer to the question: how many interviews is enough?¹¹⁶ For some, the answer is just one.¹¹⁷ Wolcott argues that a researcher should ‘keep asking as long as [they] are getting different answers’¹¹⁸. The point of saturation may be the ideal, but it is not always practical or easy to anticipate and thereby plan for. Jensen also argues that it is ‘the quality of the analysis and the dignity, care and time taken to analyse interviews, rather than quantity’¹¹⁹. Finalising the number is often ad hoc or reflexive; I intended to incorporate 5-10 interviews, but eventually completed 12. My decision was reactive; 10 interviews garnered a lot of data, but it was only after 2 more interviews that I felt satisfied. I cannot claim to have reached the point of saturation, but my research does offer some insight into the attitudes, beliefs and experiences of people living in similar circumstances. Further, the number of interviews reflects a typical sample for this type of project and for the PhD level.¹²⁰ Too many interviews is as unethical as too few; a participant’s time is valuable and should not be wasted by arbitrary targets.¹²¹

¹⁰⁹ *Ibid*, p.3

¹¹⁰ Cotterrell (2006)

¹¹¹ Aspers (2009), pp.8-9

¹¹² See Appendix 6

¹¹³ P. Aspers (2004), ‘Empirical phenomenology: An approach for qualitative research’, Paper presented to the Methodology Institute at the London School of Economics and Political Science (London, UK); see also, Appendix 5

¹¹⁴ Aspers (2004); see also, Aspers (2009), p.9

¹¹⁵ See Appendix 6

¹¹⁶ See: S. E. Baker and R. Edwards (2013), *How many qualitative interviews is enough?* (National Centre for Research Methods Review Paper), available at: http://blog.soton.ac.uk/dissertation/files/2013/09/how_many_interviews.pdf [accessed October 2017]

¹¹⁷ *Ibid*, quoting Harry Wolcott, p.3

¹¹⁸ *Ibid*, p.4

¹¹⁹ *Ibid*, p.5

¹²⁰ *Ibid*

¹²¹ G. Guest, A. Bunce & L. Johnson (2006), ‘How Many Interviews Are Enough?: An Experiment with Data Saturation and Variability’, *Field Methods*, Vol.18(1), pp.59-82

Similar studies have relied on a small number of in-depth interviews.¹²² Sixsmith conducted a psychological study of the meaning of home using in-depth interviews. The project also borrowed from phenomenology 'to reveal what home means to people through their everyday environmental experiences of home'¹²³. Sixsmith argues that a phenomenological approach is the best way to avoid imposing outside conceptions on individual understandings.¹²⁴ Used effectively, interviews have the potential to generate a lot of data. Transcribing and analysing in-depth interviews can be extremely time-consuming, especially for less experienced researchers. My decision to conduct 12 interviews was therefore a practical one.

Ethnographic methods were considered for my research project. Robson argues that ethnography requires an 'insider's perspective' and the goal is 'to uncover the shared cultural meanings of the behaviour, actions, events and contexts of a group of people.'¹²⁵ This would have been similarly effective in providing an insight into the lives of members of Generation Rent¹. However, ethnographers are interested in culture and 'sites' whereas phenomenologists focus on phenomena and the individual, and individual experiences.¹²⁶ The focus on individuals is better suited to address my research aims and objectives. Further, limited resources would have made even a small-scale ethnographic study challenging, particularly as they usually require some form of immersion.¹²⁷ Walliman discourages early career researchers from undertaking ethnographic methods due to the level of 'specialist knowledge' required, as well as the fact it can be extremely time-consuming.¹²⁸ Methods including diary entries, blogs and photographs were considered, to allow my participants to express their feelings in a more open and engaging manner. It would be interesting to see how individuals express their attitudes, feelings and experiences of home through different creative outlets. Such an endeavour would be costly in terms of time and money. It would also run the risk of irrelevant data as the participants would have less structure and direction. Interviews offer more control, even following the phenomenological tradition.

Whilst my empirical investigation follows a more phenomenological approach, the data analysis stage was inspired by grounded theory. The notion of 'constant comparison' reflects the expected rigour of grounded theory analysis; line-by-line transcript analysis leads to provisional themes that are then cross-referenced with other transcripts. Inconsistencies are as notable as patterns. Identifying and linking the core concepts helps to explain the topic

¹²² See, for example: R. Hiscock, A. Kearns, S. MacIntyre & A. Ellaway (2001), 'Ontological security and psycho-social benefits from the home: Qualitative evidence on issues of tenure', *Housing, Theory and Society*, Vol.18(1), pp.50–66

¹²³ J. Sixsmith (1986), 'The meaning of home: an exploratory study of environmental experience', *Journal of Environmental Psychology*, Vol.6(4), pp.281-298 (quoted from abstract)

¹²⁴ *Ibid*, p.283

¹²⁵ C. Robson (2011), *Real World Research* (3rd ed) (John Wiley & Sons), p.145

¹²⁶ R. Tesch (1991), 'Software for qualitative researchers: Analysis needs and program capabilities', in: N. G. Fielding & R. M. Lee (eds) *Using Computers in Qualitative Research* (London: Sage), pp. 16- 37

¹²⁷ Walliman (2016), p.41

¹²⁸ *Ibid*, p.42

under research and begin to construct theory.¹²⁹ Both phenomenologists and grounded theorists recognise the creation of transcripts as a process, and one that the researcher is inherently part of. The transcript or 'text' is not the same as the spoken interview; further, human experiences can be very rarely accurately represented by the written word.¹³⁰ Speaking as a phenomenologist, Thompson believes the researcher should be aware of their role in the process; conclusions are not generic statements, but fusions of multiple texts handled by the researcher.¹³¹ Phenomenologists may not necessarily identify as theorists¹³², but as Goulding notes, links are made 'from the data to theory...based on reflections of theoretical literature'¹³³. Interviewing is a complex craft and often it is what people do not say that is most revealing.¹³⁴ Pauses and body language do not translate into transcript form, and these elements are often as illuminating as speech.¹³⁵

According to Glaser and Strauss, the ultimate aim of grounded theory is to discover the 'core category' that pulls together all the key concepts and explains the studied phenomena.¹³⁶ Crang and Cook suggest that '[t]he process of analysis is not a matter of developing a definitive account, but of trying to find a means to understand the inter-relations of multiple versions of reality.'¹³⁷ As such, many theories are substantive rather than general.¹³⁸ Again, this relates to the issue of number of interviews. More interviews garner more data, which may seem an appealing prospect. However, more data does not indicate better findings. Because grounded theory builds theory from data, too much data can run the risk of creating theories that are too generic, or that change during analysis. A theory can only grow so much until it starts to become a different theory altogether. Dainty et al criticise grounded theory as complex and lengthy, and this is more likely to be the case with more data.¹³⁹ Theorising involves looking for patterns or relationships within the data.¹⁴⁰ Robrecht highlighted the importance of a researcher looking at all the data, rather than being selective.¹⁴¹ Wacker argued that researchers should be wary of 'concept stretching' i.e. broadening the scope for

¹²⁹ S. Spiggle (1994), 'Analysis and interpretation of qualitative data in consumer research', *Journal of Consumer Research*, Vol. 21(3), pp. 491-503

¹³⁰ C. McCormack (2000), 'From Interview Transcript to Interpretive Story: Part 1— Viewing the Transcript through Multiple Lenses', *Field Methods*, Vol.12(4), pp.282-297

¹³¹ C. J. Thompson (1997), 'Interpreting consumers: a hermeneutic framework for deriving marketing insights from the texts of consumers' consumption stories', *Journal of Marketing Research*, Vol. XXXIV, pp. 438-55

¹³² J. M. Morse (1994), 'Emerging from the data: the cognitive process of analysis in qualitative enquiry', in J. M. Morse (Ed.), *Critical Issues in Qualitative Research Methods* (California: Sage)

¹³³ Goulding (2005)

¹³⁴ J. Skinner (2013) *The interview: An ethnographic approach* (London: Bloomsbury)

¹³⁵ Glucksberg (2018), p.24

¹³⁶ Glaser & Strauss (1967)

¹³⁷ M. Crang & I. Cook (2007), *Doing Ethnographies* (London: Sage), p.149

¹³⁸ Goulding (2005)

¹³⁹ Dainty et al 2000

¹⁴⁰ A. Coffey & P. Atkinson (1996), *Making Sense of Qualitative Data, Complementary Research Strategies* (London: Sage Publications)

¹⁴¹ L. C. Robrecht (1995), 'Grounded Theory: Evolving Methods', *Sage Journals*, Vol.5(3), pp.169-177

the application of the theory.¹⁴² Conformity to a ‘core category’¹⁴³ may be interesting, but ‘[d]iverse, even contracting, responses offer increased opportunities for exchange and communication, with the potential for creating more nuanced understandings of complex issues instead of simple broad generalisations.’¹⁴⁴ An important element is that new theory is created, although this does not mean it cannot be based on existing theory.¹⁴⁵ New, ‘good’ theories should be ‘parsimonious, testable and logically coherent’, as per Eisenhardt¹⁴⁶, citing Pfeffer¹⁴⁷. Of course, these characteristics are important in all ethical research endeavours, elements of which are discussed below.

Ethical Considerations

Dilthey proposed that one may achieve understanding in social science research because of the shared ground between researcher and participant.¹⁴⁸ Such a proposition is entirely at odds with the idea that a researcher should be a neutral observer. According to Gray, ‘phenomenology holds that any attempt to understand social reality has to be grounded in people’s experiences of that social reality’¹⁴⁹. The approach requires the researcher to put their preconceptions to one side, or ‘bracket’¹⁵⁰ them, and revisit the phenomena with fresh eyes. Aspers suggests that the researcher ‘lets the theory guide her to certain empirical domains and to address certain themes and ask certain questions, but she does not have a set of concepts that are used as boxes to be filled with empirical material.’¹⁵¹ The approach is designed to create ‘new meaning, fuller meaning or renewed meaning’¹⁵². As Walliman notes, researchers in the social sciences must be aware of their role within the research process, and that this must be acknowledged and analysed with references to any methods or conclusions.¹⁵³ This is particularly applicable to phenomenologists; they believe that the

¹⁴² J. G. Wacker (1998), ‘A Definition of Theory: Research Guidelines for Different Theory-Building Research Methods in Operations Management’, *Journal of Operations Management*, Vol.16, pp.361-385

¹⁴³ Glaser & Strauss (1967)

¹⁴⁴ R. Bernstein, A. Layard, M. Maudsley & H. Ramsden (2015), ‘There is no local here, love’, *After Urban Regeneration: Communities, Policy and Place*, pp.91-106, p.95

¹⁴⁵ D. Whetten (1989), ‘What constitutes a theoretical contribution?’, *Academy of management review*, Vol.14(4), pp.490-495

¹⁴⁶ Eisenhardt 1989

¹⁴⁷ J. Pfeffer (1982), *Organizations and Organization Theory* (London: Pitman)

¹⁴⁸ W. Dilthey & R. Betanzos (2008), *Introduction to the Human Sciences: An Attempt to Lay a Foundation for the Study of Society and History* (translated) (Wayne State University Press)

¹⁴⁹ D. E. Gray (2013), *Doing Research in the Real World* (London: Sage), p.24

¹⁵⁰ D. Stewart & A. Mickunas (1990), *Exploring phenomenology: A guide to the field and its literature (2nd ed.)* (Ohio University Press: Athens)

¹⁵¹ Aspers (2009), p.6

¹⁵² Gray (2013), p.24

¹⁵³ Walliman (2016), p.4

observer is party to that which is being observed.¹⁵⁴ The researcher must not only bracket their preconceptions, but also consider their role and the impact it may have on the participant, and any consequential data. The conflict here is clear. A researcher must establish a conceptual framework for their project, often in the form of a literature review, followed by extensive in-depth research and preparation, to then discard all preconceptions in favour of a fresh understanding ‘through the eyes of participants’¹⁵⁵.

No researcher may act as a clean slate and it is unethical to suggest that such a feat is possible.¹⁵⁶ To ‘bracket’ one’s thoughts and preconceptions is difficult and can be challenging to even the most seasoned scholar. Moreover, Aspers argues that phenomenologists should consider undertaking ‘preliminary research’¹⁵⁷ for a greater understanding of the research area. This may seem contradictory. Bias is a concern in all research projects; it challenges validity and integrity. Still, it is better to acknowledge the ‘human’ nature of the researcher and attempt to mitigate and control any issues that could compromise the project.¹⁵⁸ I shared some similarities with my participants; this was one of the many reasons that my thesis topic and participants were chosen. However, a mindful approach to the data collection and analysis can ensure that bias does not interfere with results. This should be balanced with overcompensation, which can be as detrimental as bias. For a more reflective analysis on my empirical research, and aspects of bias, see Chapter 9.

One particular element that made forging connections and bias more challenging was the decision to host the interviews in my participants’ homes. Similar studies on this topic have also taken place in the home.¹⁵⁹ As stated by Cowan et al; ‘[i]t was important for us that the interview was conducted in the home because we felt that the interviewee would be more expressive in that place, and would feel more in control of the interview process.’¹⁶⁰ They note that ‘the home space and the objects themselves talked as one’¹⁶¹. Allowing my participants to talk about their home in their home allows for a more interactive, nuanced narrative. For example, some of the questions related to interior decorations, possessions and memories. The home became a stage for my participants to demonstrate and explain their answers in greater detail. My participants were able to gesture at particular items or rooms; their answers were more detailed as they drew inspiration from their immediate location. Further, most of my participants felt more comfortable and in control. However, the choice of location risked introducing a power struggle; as the interviewer, I simultaneously

¹⁵⁴ Easterby-Smith et al (2002)

¹⁵⁵ K. Henwood & N. Pigeon (1997), ‘Using grounded theory in psychological research’, in N. Hayes (ed.) *Qualitative Analysis in Psychology* (Hove: Psychology Press), p.16

¹⁵⁶ Unluer (2012)

¹⁵⁷ Aspers (2009), p.5

¹⁵⁸ D. Anderson (2012), ‘Focus Groups as Evaluation: Exploring Issues Connected With “Insider” Research’, *European Conference on Research Methodology for Business and Management Studies*, Vol.4(3) pp.539-555

¹⁵⁹ For example; D. Cowan, H. Carr & A. Wallace (2018), *Ownership, Narrative, Things* (London: Palgrave Macmillan), p.32

¹⁶⁰ Cowan et al (2018), p.32

¹⁶¹ *Ibid*

became both guest and intruder.¹⁶² It is possible the role of ‘host’ made my participants feel more obliged to be more helpful and share more of themselves than they would in a more neutral environment. To mitigate this issue, I ensured that my participants were wholly comfortable with conducting the interviews in their homes and reminded them that they could refuse to answer or end the interview at any time.¹⁶³

Conducting interviews in another person’s home raised the issue of safety. My contacts in London ensured that the recruited participants were happy to be interviewed in their own home and were given the option to have a chaperone. Interestingly, none of my participants wished to have a chaperone. My participants appeared comfortable knowing that the interviews were conducted by ‘a friend of a friend’ and did not feel the need for extra precautions. However, my main contact in London was given my contact numbers and schedule, including detailed times and locations. The contact was tasked with calling me at set times to ensure the interview process was running smoothly and safely. My family was given a copy of my schedule as an added security measure. The University of Sheffield provided a training session on lone researching, which provided me with valuable tips and skills. Examples included the use of a personal alarm and asking for pets to be moved to another room during the interview process. Managing health and safety is an important but often overlooked research skill, and the University Code of Practice was a useful starting point.¹⁶⁴ As per the Code, my participants were provided with a copy of the information sheet¹⁶⁵ and a signed consent form.¹⁶⁶ The information sheet contained all the relevant details relating to the project, as well as explaining to the participant what they were expected to do and why. It also outlined the course of the project, the intended finish date and details of dissemination. The information sheet listed the contact details of myself and my supervisor, as well as the complaints procedure. This was in line with the University guidelines on ethics and procedures.¹⁶⁷

As with any research project, it should be repeatable. It is important to recognise what further development can or needs to be done, and why the research is useful to the field.¹⁶⁸ Denzin and Lincoln recognise that theory is located in time; it will eventually become outdated.¹⁶⁹ That does not negate its usefulness at that point in time, or mean that it cannot be revisited at a later date. My research is very much related to the current housing climate. Generation Rent¹ is a product of recent laws, politics and economic and social pressures. The housing market within the UK is constantly in flux; the PRS has witnessed a recent rise in popularity,

¹⁶² Robson (2011)

¹⁶³ As per the participant information sheet and consent forms; see Appendix 1, Appendix 2 and Appendix 3

¹⁶⁴ Available at: <https://www.sheffield.ac.uk/rs/code>

¹⁶⁵ See Appendix 2 and Appendix 3

¹⁶⁶ See Appendix 1

¹⁶⁷ Available at: <https://www.sheffield.ac.uk/ris/other/gov-ethics/ethicspolicy/index> [accessed October 2017]

¹⁶⁸ Glaser & Strauss (1967)

¹⁶⁹ N. K. Denzin & Y. S. Lincoln (eds.) (2017), *The Sage Handbook of Qualitative Research* (5th ed.) (London: Sage Publications)

somewhat at odds with the changes in laws, regulations and the overall public opinion.¹⁷⁰ My research thereby responds to gaps in the current knowledge, as well as addressing a contemporary issue.

Summary

This chapter has examined the methodological considerations of my thesis. These include issues of theory, methods and ethics. It has also explored the decision to incorporate phenomenology and grounded theory, and why these two approaches work well together. As with every methodology, they have weaknesses. Data used by phenomenologists can be considered limited as the focus is entirely on the views and experiences of the participants.¹⁷¹ Grounded theory could be similarly criticised as being too absorbed in the data.¹⁷² By falling outside more scientific parameters, both approaches are vulnerable to criticisms including uncertainty and lack of understanding.¹⁷³ Understanding the differences and interplay between phenomenology and grounded theory has been a challenge. Phenomenologists primarily focus on the experiences of their participants, whereas grounded theorists tend to compare and analyse data from multiple sources. Phenomenology developed from philosophy and grounded theory has its roots in sociology. The former aims to describe and explore experiences whereas the latter is designed to describe and explain phenomenon.

Despite their differences, both approaches look at real life situations and experiences. They are both interpretivist and involve proximity between the researcher and the participants. Further, both approaches have scope for flexibility. They are adaptable for individual research projects; in this manner, they are easily blended together. Answering my research questions in a coherent manner demanded a flexible approach. Further, this methodology and methods chapter has acted as a neatened summary of my position and approach; as stated by Cowan et al, 'we must recognise, of course, that our methods and writing perform a neatening and tidying of a messy, complex reality.'¹⁷⁴ My project has not been without challenges or changes; see Chapter 9 for a more reflexive analysis of my empirical research and approach. Such a notion relates to my choice of quote for this chapter: 'Home is where one starts from. As we grow older / The world becomes stranger, the pattern more complicated [...]'. The quote captures the idea that experience and knowledge can lead to more questions and greater feelings of ignorance. As a researcher, the more I engage with methodology, the more I understand it as a 'messy', 'complicated' but critical component; there is no neat 'pattern' of methodology. This chapter concludes the 'Introductory Section' of my thesis. The next

¹⁷⁰ See Chapter 3

¹⁷¹ Sokolowski (2000)

¹⁷² Allan (2003)

¹⁷³ Goulding (2005)

¹⁷⁴ Cowan et al (2018), p.27

section, 'Conceptualising Home' begins with my literature review of the cross-disciplinary scholarship to understand the broader conceptualisation of home.

Part B

Conceptualising Home

5. Home, Themes and the Case Law

‘A house is not a home unless it contains food and fire for the mind as well as the body.’

~ Benjamin Franklin

Overview

Chapter 2 discussed the concept of home across multiple disciplines and established the foundations for answering my first research question.¹ It narrowed down the attributes of home to four core themes that help describe and define it. These themes are shelter, personal relationships, control and ontological security. My thesis has also demonstrated that the legal contribution to the scholarship is somewhat underrepresented.² This may seem unusual given that home is a cornerstone of everyday life and even features in PRS legislation, albeit undefined.³ However, the lack of legal scholarship and the absence of a definition within the legislation does not signify that there is no legal conceptualisation of home. The term’s presence within PRS legislation⁴, and even Human Rights law⁵, is indicative of its existence and importance. This chapter analyses relevant case law and the corresponding legislation across the last 100 years to determine the courts’ understanding of home and how it has developed. This helps to shed some light on the contemporary legal approach to home. Most of the legislation and case law discussed in this chapter does not directly affect the participants in my empirical research i.e. Generation Rent^{1.6}. However, the legal concept of home is constantly evolving; it does not stop and restart with each new piece of legislation or case law decision. It is therefore important to understand its growth and development over the last 100 years in order to create a fuller picture of the conceptualisation. This chapter refers to the analysis in Chapter 2 and identifies the core themes of home in the cross-disciplinary approach that are represented in the case law.

Chapter 2 identified the key themes of home, and also explored how homeowners and tenants may experience those themes differently.⁷ In particular, it suggested that tenants are more likely to enjoy a lesser experience of home; they have less control over their home than

¹ i.e. How has ‘home’ been conceptualised in the scholarly literature across disciplines?

² See Chapter 2

³ Most significantly; s.1(1) Housing Act 1988

⁴ *Ibid*

⁵ For example, Article 8 of the Human Rights Act 1998

⁶ See Chapter 6

⁷ See Chapter 2

homeowners do. Despite this, Gray and Gray described the traditional status of a tenant, or leaseholder, to be the ‘freedom’⁸ to ‘call [a] place his own’⁹, referencing Lord Templeman in *Street v Mountford*¹⁰. It was ‘by virtue of some gut sense of belonging or domain’¹¹ that a tenant had the right ‘to exercise the rights of an owner of land, which is in the real sense his land albeit temporarily and subject to certain restrictions’¹². In *Marchant v Charters*¹³, Lord Denning MR described this as a ‘stake’¹⁴ in the land. Such views appear to balance tenants and homeowners. They both hold a ‘stake’ in the properties they occupy; they share a ‘gut’ connection and feel that their home belongs to them in the ‘real sense’. This perception of tenants no longer seems to apply. The introduction of s.21 eviction notices in the Housing Act 1988 has diminished the ‘stake’ a tenant has in the property. Their stakes no longer hold the sense of longevity they once had. Indeed, this chapter develops the analysis from the previous chapters, and further highlights and critiques the disconnect between contemporary legislation¹⁵ and more traditional (pre-Housing Act 1988) legal attitudes to home. The latter of which is more in keeping with the cross-disciplinary and individual understandings of home.¹⁶

Nonetheless, the disconnect brought about by the Housing Act 1988 (with less security of tenure and so-called ‘no fault’ evictions¹⁷) does not undermine the legal concept of home within the PRS. The concept holds a legacy, the effects of which are arguably still felt today.¹⁸ Key terms such as ‘dwelling-house’ have remained constant throughout the changing legislation of the last 100 years and have offered a means for judges to continue to impute their interpretation of home. The ‘dwelling-house’ relates to the physicality of home and is objectively easy to identify; it acts as a literal and metaphorical stronghold that the courts can recognise. It also relates to the key theme of shelter, as identified in my literature review. My analysis of the case law suggests that the courts’ understanding of home goes even beyond the physicality and that they are willing to recognise less tangible, or emotional, signifiers of home. In this chapter, I identify the physical and emotional signifiers of home within the case law to understand the legal conceptualisation, and how it corresponds to the themes identified in the cross-disciplinary analysis. Notably, the key themes of home that I have identified in Chapter 2 are not equally represented in the case law, but this does not

⁸ K. Gray & S. Gray (2009), *Elements of Land Law, fifth edition* (Oxford University Press), p.165

⁹ *Street v Mountford* [1985] AC 809 at 818A

¹⁰ *Ibid*

¹¹ Gray & Gray (2009), p.165

¹² *Street v Mountford* [1985] AC 809 at 816B

¹³ *Marchant v Charters* [1977] 1 WLR 1181

¹⁴ *Ibid* at 1185G

¹⁵ Particularly ASTs and s.21 notices under the Housing Act 1988

¹⁶ The individual understandings relate to my second research question. See the ‘Experiencing Home’ and ‘Reconstructing Home’ sections for more on this.

¹⁷ s.21 Housing Act 1988; often referred to as ‘no fault evictions’ in the media. See, for example: <https://www.theguardian.com/housing-network/2017/jul/25/no-fault-evictions-landlords-tenants> [accessed July 2019]

¹⁸ For example, my participants expressed expectations more in keeping with protected tenancies under the Rent Act 1977; see Chapter 6 onwards

diminish the importance of some themes in favour of others. Rather, it acknowledges that some elements of home are more easily identifiable than others or have a longer history of legal representation.

The Physical Home

In the previous chapter, it was determined that home requires a physical element; it needs to provide shelter and thereby some measure of safety and privacy from the outside world.¹⁹ Perhaps unsurprisingly, the courts have found the tangible aspect of home easy to identify. Terms such as ‘dwelling-house’²⁰ offer the courts a suitable gateway to assess the physicality of home; the building, flat or room used for habitation, and the activities that occur within. It is also a term that has featured in PRS legislation consistently over the last 100 years, and remains relevant today.²¹ In the Oxford English Dictionary (OED), ‘dwelling-house’ is defined as: ‘A house occupied as a place of residence, as distinguished from a house of business, warehouse, office, etc.’²² It relates to the verb ‘to dwell’ meaning ‘to live, reside or remain’.²³ It is not a term commonly used in everyday conversation, but offers an important distinction from ‘house’.

This distinction was discussed in *Lewin v End*²⁴ and offers an interesting place to begin an examination of the courts’ approach to the more practical conceptualisation of home, although the legislation in question is old and has been revoked.²⁵ In *Lewin v End*, the House of Lords did not find difficulty in accepting the buildings in question to be houses; the photograph shown in court was that of a house in the ‘ordinary’²⁶ sense. Lord Loreburn said that the buildings did ‘bear the external aspect of houses, and except in a Court of Law one would hardly describe them as anything else’²⁷. The physicality of the premises, falling within the ‘bricks and mortar’²⁸ Western understanding of a house, was thus easy for the House of Lords to identify. Lord Loreburn’s comments also suggest a hesitance on the part of the courts to introduce a new or different legal interpretation of ‘house’ beyond the ‘ordinary’ sense. This approach may explain the lack of legislative definition of ‘home’; perhaps it, too, should be interpreted in the ‘ordinary’ sense. Of course, for this to be a successful approach, there

¹⁹ Moore (2000)

²⁰ s.1(1) Housing Act 1988

²¹ It features in the Housing Act 1988 in relation to ASTs

²² OED, available: <https://www.oed.com/view/Entry/58768?redirectedFrom=dwelling+house#eid> [accessed May 2019]

²³ OED, see full list: <https://www.oed.com/view/Entry/58765?rkey=4LLprJ&result=2&isAdvanced=false#eid> [accessed May 2019]

²⁴ *Lewin v End* [1906] AC 299

²⁵ Clergy Residences Repair Act 1776

²⁶ *Lewin v End* [1906] AC 299 at 303

²⁷ *Ibid* at 301

²⁸ See Chapter 2

needs to be some overlap between the understanding of home in legislation and case law and across other disciplines; further the conceptualisation should reflect individual attitudes, such as the findings in my empirical work.²⁹

The Court decided that the difference between ‘house’ and ‘dwelling-house’ was a question of usage; the latter carried connotations of residence. As per Lord Atkinson: ‘By a “dwelling-house” I understand a house in which people actually live or which is physically capable of being used for human habitation’³⁰. It was determined that ‘dwelling-house’ created a ‘narrower conception’³¹ than ‘house’; ‘dwelling-house’ was interpreted as more akin to ‘home’. In *Lewin*, the premises were not used residentially; rather the building had been altered in a manner that made it unsuitable to be used as a home and did not satisfy the ‘narrower conception’ of ‘dwelling-house’. There were ‘no rooms fitted up or furnished as bedrooms, nor [did] anyone sleep on the premises’³², but this was not seen to contradict the property as a ‘house’. Moreover, business practices did not make the building any less a house: ‘a man may carry on business in a house as well as in a warehouse or an office’³³. The OED definition above suggests that a house may be a place of business.³⁴ The discussion surrounding the distinction between ‘house’ and ‘dwelling-house’ suggests an understanding of the relationship between person and place. Establishing ‘dwelling-house’ as ‘a house in which people actually live’³⁵ signifies the courts’ ability to not only look at the external ‘house’ but also the internal space and activities that occur within.

*Luganda v Service Hotels Ltd*³⁶ involved an individual living in a furnished room of a hotel and occurred over six decades later. Even so, ‘dwelling-house’ was again a key term under consideration. The case questioned whether Mr Luganda should be afforded the protection given to lessees of furnished rooms by the Rent Act 1968³⁷. Such protection would only be granted to individuals occupying a ‘dwelling’³⁸, defined as ‘a house or part of a house’³⁹, as a ‘residence’⁴⁰. Regarding the physicality of home, Lord Denning said: ‘I am quite clear that a building which is used as a hotel is a ‘house’, no matter whether it was purpose-built or not’⁴¹. The intended purpose of a building may offer some insight into the layout and utilities of the premises but does not limit its possible scope. The term ‘house’⁴² was satisfied by the

²⁹ See Chapter 6

³⁰ *Lewin v End* [1906] AC 299 at 304

³¹ *Ibid* at 303

³² *Lewin v End* [1906] AC 299 at 301

³³ *Ibid* at 303

³⁴ OED, available: <https://www.oed.com/view/Entry/58768?redirectedFrom=dwelling+house#eid> [accessed May 2019]

³⁵ *Lewin v End* [1906] AC 299 at 304

³⁶ *Luganda v Service Hotels Ltd* [1969] 2 WLR 1056

³⁷ Part VI Rent Act 1968

³⁸ s.70(1) Rent Act 1968

³⁹ s.84 Rent Act 1968

⁴⁰ s.70(1) Rent Act 1968

⁴¹ *Luganda v Service Hotels Ltd* [1969] 2 WLR 1056 at 1060

⁴² Part VI Rent Act 1968

structure and appearance of the hotel; it provided shelter, safety and security. Indeed, the academic literature suggests that the physical ‘shell’ or ‘four walls’ of the home may take any number of different forms.⁴³ Similarly to *Lewin*, the courts did not struggle to satisfy ‘house’; the external structure was easily identified. However, Mr Luganda needed to be occupying the dwelling ‘as a residence’. This evokes the distinction in *Lewin*; the difference between ‘house’ and ‘dwelling-house’ is the fact that a person ‘actually live[s]’⁴⁴ there. Occupying a hotel is usually temporary; an individual returns to their ‘real’ home after their trip or holiday has ended.⁴⁵ This would not typically satisfy the ‘leave and return’ element of home as determined by my literature review.⁴⁶

In his judgment, Lord Denning identified that Mr Luganda had occupied the room for 3 years, that he had a gas ring and provided his own meals.⁴⁷ The length of occupation was therefore much longer than the average hotel use. By considering his meals and cooking facilities, Lord Denning was considering both the physical home (the gas ring) and home activities (the fact he prepared his own meals) to satisfy the requirement of ‘residence’. Some of the services, such as the weekly fresh linen and the porter, are not common within the home. The case therefore offered the courts an example of a non-traditional home. A home may not typically be a hotel room with a porter and weekly fresh linen, but other factors of Mr Luganda’s home were more important and more indicative of a ‘residence’. As Lord Denning singled out the length of stay and cooking facilities, this suggests that such elements were more persuasive. It is also possible that the courts were more willing to recognise them because they were more easily identifiable.

*Uratemp Ventures Ltd v Collins*⁴⁸ was a landmark case in which the House of Lords considered the meaning of the term ‘dwelling-house’, but for the purposes of the Housing Act 1988⁴⁹. This shows how the development of the term is still important to contemporary legislation, and how the concept of home may still be imputed today. In particular, the words, ‘a dwelling house . . . let as a separate dwelling’⁵⁰ were under scrutiny. The court had to determine whether Mr Collins’s room in the Viscount Hotel constituted a ‘dwelling’ despite the absence of cooking facilities, drawing some parallels with *Luganda*⁵¹. As summarised by Lord Steyn, the Court of Appeal had ‘treated the presence of cooking facilities as an indispensable requirement for a person’s home being a “dwelling house” within the meaning of s 1.’⁵² Lord

⁴³ D. Benjamin & D. Stea (1995), *The Home: Words, Interpretations, Meaning and Environments* (Ethnoscapas: Current Challenges in the Environmental Social Sciences, Avebury, Aldershot)

⁴⁴ *Lewin v End* [1906] AC 299 at 304

⁴⁵ Although see: J. Seymour (2007), ‘Treating the Hotel Like a Home: The Contribution of Studying the Single Location Home/Workplace’, *Sage*, Vol.41(6), pp.1097-1114

⁴⁶ See Chapter 2

⁴⁷ *Luganda v Service Hotels Ltd* [1969] 2 WLR 1056 at 1059

⁴⁸ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2001] 3 W.L.R. 806

⁴⁹ s.1 Housing Act 1988

⁵⁰ *Ibid*

⁵¹ *Luganda v Service Hotels Ltd* [1969] 2 WLR 1056

⁵² *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 14

Steyn's choice of words indicate not only a willingness, but also an easiness, by which the courts may discuss the legal concept of home. In his deliberation, it was not necessary to discuss that 'dwelling house' equated 'home', but Lord Steyn identified the connection between the two. Interestingly, the use of quotation marks in his statement identifies 'dwelling-house' as a legal term in need of analysis; home, by contrast, was referenced as an everyday term with no special legal meaning. It is a 'commonplace word used in everyday contexts'⁵³. This is despite the fact that both terms feature in the legislation:

(1) A tenancy under which a dwelling-house is let as a separate dwelling is for the purposes of this Act an assured tenancy if and so long as—

(a) the tenant or, as the case may be, each of the joint tenants is an individual; and

(b) the tenant or, as the case may be, at least one of the joint tenants occupies the dwelling-house as his only or principal home; and

(c) the tenancy is not one which, by virtue of subsection (2) or subsection (6) below, cannot be an assured tenancy.⁵⁴

It is interesting that the courts did not explore the term 'home'; instead, they focused on 'dwelling-house'. The choice suggests a reluctance to give 'home' an explicit legal meaning. 'Dwelling-house' was a home decoy; they could discuss the home space without the 'restrictive gloss'⁵⁵ of legal parameters. The House of Lords recognised the legal concept of home but did not endeavour to make it clear.⁵⁶ Regardless, analysing 'dwelling-house' helps to understand the legal concept of home as it has been shaped by the courts. As per Lord Millett:

In both ordinary and literary usage, residential accommodation is "a dwelling" if it is the occupier's home (or one of his homes). It is the place where he lives and to which he returns and which forms the centre of his existence.⁵⁷

Again, dwelling is equated with home. Lord Millett attempts to explain his understanding of home as a 'place where he lives and to which he returns and which forms the centre of his existence'⁵⁸. The description of dwelling as a 'place where [one] lives' reiterates Lord Atkinson in *Lewin*. The idea of 'return' was referenced in the academic literature and appears particularly relevant to cases involving hotel rooms and supports the focus on length of occupation in *Luganda*. Lord Millett's description of home as 'the centre of his existence' is perhaps the most significant. It is almost a direct quotation of Dovey and the conceptualisation of home as the 'secure centre'⁵⁹. Further, it recognises the importance of home; it is 'the centre of...existence'. The phrase relates to the physical home as it refers to

⁵³ F. C. Schaffer (2016), *Elucidating Social Science Concepts: An Interpretivist Guide* (New York: Routledge)

⁵⁴ s.1 Housing Act 1988

⁵⁵ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 4

⁵⁶ Fox O'Mahony (2007)

⁵⁷ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 31

⁵⁸ *Ibid*

⁵⁹ Dovey (1985), p.35

a 'place', but Lord Millett appears to be commenting on the connection between person and property. This relates to a sense of ontological security; one of the four key themes of home that I identified in my literature review.⁶⁰ Not only does this establish an overlap in understandings, but also shows the courts' ability to recognise the less tangible elements of home and the more emotional aspects.

Physicality and the practical home were the focus in *Uratemp* due to the debate around cooking facilities. However, the House of Lords' decision suggests that the courts are willing to look beyond the physical in relation to 'dwelling-house'. They considered 'the use made of [the premises] by the tenant'⁶¹, and 'use' was given a wide meaning. As per Lord Irvine:

'Dwelling' is not a term of art, but a familiar word in the English language, which in my judgment in this context connotes **a place where one lives, regarding and treating it as home**. Such a place does not cease to be a 'dwelling' merely because one takes all or some of one's meals out; or brings take-away food in to the exclusion of home cooking; or at times prepares some food for consumption on heating devices falling short of a full cooking facility.⁶² [emphasis added]

Lord Irvine's words warrant careful analysis. Firstly, and perhaps most importantly, 'dwelling' is again equated with 'home'. The terms are linked and characterised as 'familiar word[s]'. 'Dwelling' is described as 'a place where one lives, regarding and treating it as home'⁶³. Lord Irvine frames the presence of cooking facilities as trivial compared with the home itself. The choice to list the different methods of food preparation and eating habits widens the interpretation of 'dwelling-house'. It emphasises the home as a subjective experience, and hints that other types of home activities are equally individualistic. This notion is strengthened by Lord Irvine's comments relating to sleep:

I would not myself, for example, regard a bed, any more than cooking facilities, as an essential prerequisite of a 'dwelling': [...] one could live in a room, which is regarded and treated as home, although taking one's sleep, without the luxury of a bed, in an armchair, or in blankets on the floor.⁶⁴

A home, and therefore 'dwelling', is an individual experience. Lord Steyn's anecdote in his deliberation involving shifting eating habits from home-cooked food to convenience meals also identifies the home space as not only subjective, but as a changing phenomenon:

[...] The world has changed. In recent years there have been great social changes which reinforce the view that it is artificial to place on the word "dwelling-house" the restrictive gloss that for a room or accommodation to qualify it must have cooking facilities. [...] One only has to look under the entry 'Food and Drink Delivered' in the most recent edition of the Yellow

⁶⁰ Giddens (1991)

⁶¹ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 11

⁶² *Ibid* at 3

⁶³ *Ibid*

⁶⁴ *Ibid* at 4

Pages for Central London to realise the scale of this development in the eating habits of large numbers of people of all ages.⁶⁵

The motive behind Lord Irvine's words may be borne out of a purposive reading of the legislation. As per Lord Bingham: 'it is proper to have regard to the object of the legislation, directed as it is to giving a measure of security to those who make their homes in rented accommodation at the lower end of the housing market.'⁶⁶ The House of Lords did not wish to impose 'inflexible rules'⁶⁷ that were 'unwarranted by the statutory language'⁶⁸. The idea of security relates to choice and thereby control; security of tenure dictates whether a tenant can *choose* to stay in their home. Significantly, Lord Bingham recognised that tenants can 'make their homes in rented accommodation'; a home need not be an owned home. Despite the reluctance to impose a 'restrictive interpretation'⁶⁹, Lord Bingham did suggest that, 'although sleeping in premises may not be enough to make them a dwelling house, premises will not ordinarily be a dwelling house unless the tenant sleeps there.'⁷⁰ Sleeping is thereby an important, and indicative element of the home space; this aligns with the findings of my literature review. It evokes the idea of Maslow's hierarchy and the importance of the 'basic needs' for human survival⁷¹, as well as the theme of shelter. Yet, as per Lord Bingham's choice of phrase, sleeping 'may not be enough' in and of itself.

Reference should again be made to Lord Irvine describing a 'dwelling' as 'a place where one lives, regarding and treating it as home.'⁷² Coupled together, 'regarding and treating' evoke the physical and emotional elements of home determined by my literature review. The home is not just somewhere that one eats and sleeps; it is a place that one eats and sleeps *because* it is home. Lord Irvine's words evoke most of the core elements of home; a physical place where individuals feel in control and experience ontological security. Although he does not reference personal relationships, this could fall within his assessment. The legal definition of 'dwelling' in *Uratemp* still stands today; it is even quoted on the official government website.⁷³ The legal concept of home or 'dwelling' therefore works in practice, but it is problematic from an academic perspective. If the legal concept of home is encompassed within the term 'dwelling' (and arguably other, similar terms; see below), and the understanding of 'dwelling' is 'a place where one lives, regarding and treating it as home'⁷⁴ then the legal definition of home is home. A term cannot be self-defining, particularly within a legal context. Again, this evokes Fox O'Mahony's argument that there is no clear concept

⁶⁵ *Ibid* at 16

⁶⁶ *Ibid* at 10

⁶⁷ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 12

⁶⁸ *Ventures Ltd v Collins* [2001] UKHL 43 at 2

⁶⁹ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 2

⁷⁰ *Ibid* at 12

⁷¹ Maslow (1954)

⁷² *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 3

⁷³ Especially in relation to VAT; see, for example: <https://www.gov.uk/hmrc-internal-manuals/vat-construction/vconst14010> [accessed May 2019]

⁷⁴ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 3

of home within the English legal system.⁷⁵ However, the practical application of ‘dwelling’ within the PRS suggests there is no issue of clarity. The definition of ‘dwelling’ succeeds in its simplicity and lack of jargon. Home does not require a comprehensive legal definition because it has universal connotations, as established by my literature review and my four core themes. The courts’ decision to avoid restricting home within a legal framework is not a failing, but rather a reflection of their true understanding of the concept and everything it embodies.

The Emotional Home

The previous section focused on the physical elements of home including the external structure, internal facilities and the activities within the home space such as eating and sleeping. Such elements are important to the courts as they are tangible and easily evidenced. They also correspond with Canter’s argument that home has form and activities.⁷⁶ But how do the courts approach the less tangible aspects of home; the emotional dimension, or the sense of connection? Often, these elements are connected to length of occupation, which is a documented form of evidence that the courts can consider. This is particularly relevant for suitable alternative accommodation cases as the courts may consider all reasonable factors.⁷⁷ As with all relationships, time is a factor in terms of an individual’s connection with their home.⁷⁸ The courts understand this. Reference was made to length of occupation in *Luganda*⁷⁹ and the definition of ‘dwelling’ in *Uratemp*⁸⁰ has a temporal element. An individual is more likely to regard and treat a place as home if they have occupied it for a good length of time. Occupying premises for many years creates feelings of attachment and security, bordering on a sense of identity and ontological security.⁸¹ The concept of identity is not explored here in any detail, but is understood as ‘the totality of one’s self-construal’⁸². Often this includes the people and things that surround an individual, including their property.⁸³ As discussed in my literature review, the home is particularly important in terms of identity as it not only shares a strong emotional connection, but in turn represents a person’s identity by

⁷⁵ Fox O’Mahony (2007)

⁷⁶ Canter (1977)

⁷⁷ See: *Cresswell v Hodgson* [1951] 2 KB 92

⁷⁸ Although see my empirical research section for a more nuanced analysis of this

⁷⁹ *Luganda v Service Hotels Ltd* [1969] 2 WLR 1056 at 1059

⁸⁰ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2001] 3 W.L.R. 806

⁸¹ Dupius & Thorns (1998)

⁸² P. Weinreich (1986), ‘The operationalisation of identity theory in racial and ethnic relations’ in J. Rex & D. Mason (eds) (1988) *Theories of Race and Ethnic Relations* (Comparative Ethnic and Race Relations: Cambridge: Cambridge University Press), p.299

⁸³ Radin (1982), p.987

their choice of décor, possessions and pastimes.⁸⁴ This relates to the themes of control and ontological security.

The case of *Whitehouse v Loi Lee*⁸⁵ involved the grounds of suitable alternative accommodation.⁸⁶ Length of occupation was key; Mrs Whitehouse had been living in the property for 45 years. The trial judge recognised that ‘the most compelling part of the tenants’ case was the emotional and social consequence of a possession order’⁸⁷. The new accommodation would not offer a significantly different practical experience of home⁸⁸, but would be less fulfilling emotionally. As per the trial judge: ‘[flat 11] will never be the same as Netherhall Gardens’⁸⁹, especially due to the loss of community. Mrs Whitehouse was co-founder of the Netherhall Neighbourhood Association; a sort of ‘neighbourhood watch’ scheme covering three connected streets which was ‘a very important part of her life’⁹⁰. The alternative accommodation was not part of the network. The move would have impacted her social life, as well as the local community. Community was highlighted as an important aspect of home in my literature review, relating to identity, family and household. Out of my core elements of home, community relates to personal relationships. Although community exists outside of the home, it directly impacts the overall home experience. I previously described home as a circle within a set of concentric circles, and community represents one of those rings. If each circle is ‘an inalienable part of us’ then to be deprived of any circle, ‘man would be deprived of himself, of his humanity’.⁹¹ Moving Mrs Whitehouse from her community was akin to depriving her of part of her identity. Despite this, the trial judge decided against Mrs Whitehouse.

Mrs Whitehouse appealed, and reference was made to *Cresswell v Hodgson*⁹² and the scope of ‘reasonableness’. It was deemed necessary to consider ‘the effect on the parties both if an order is made, and if it is not made’⁹³. It was accepted that if the order was not made, it would not impact the Lee siblings in as great a manner as it would impact Mrs Whitehouse if it was:

[...] Flat 34c was not just the bricks and mortar in which they lived. It had been, for the greater part of their adult lives, their home in a special local, village-like community in which they had played and continued to play important roles; a community in which they enjoyed, and returned, local friendship and support, with the latter becoming more important to them with the passage of the years (and which would be of particular importance if one of them were to

⁸⁴ Després (1991)

⁸⁵ *Whitehouse v Loi Lee* [2009] EWCA Civ 375

⁸⁶ Schedule 16 of the Rent Act 1977

⁸⁷ *Whitehouse v Loi Lee* [2009] EWCA Civ 375 at 48

⁸⁸ Although some reference was made to the physical differences of the properties

⁸⁹ *Whitehouse v Loi Lee* [2009] EWCA Civ 375 at 53

⁹⁰ *Ibid* at 48

⁹¹ Hollander (1991)

⁹² *Cresswell v Hodgson* [1951] 2 KB 92

⁹³ *Ibid*

die); a community which would and could not be replicated in flat 11. The tenants were at an age when they could not 'start again' at flat 11.⁹⁴

The passage reveals a sound understanding of both the physical and emotional aspects of home, and the relationship between the two. It also captures the four themes of home; shelter, control, personal relationships and ontological security. A home requires 'bricks and mortar' for shelter, but it is not 'just' that. The home is a 'special' space; a haven of special relationships or 'friendship and support'. Flat 34c was not just a place for Mrs Whitehouse to live, but a place in which she thrived and experienced ontological security. Moving Mrs Whitehouse would therefore be unreasonable, and the Court of Appeal duly set aside the order. The outcome may seem unfair to a landlord that has successfully provided suitable alternative accommodation, perhaps to their own expense⁹⁵; they should be able to regain control of their legally-owned property. However, the case reveals that 'emotional and social' consequences may outweigh financial considerations when considering reasonableness.⁹⁶ The case again showcases how length of occupation may act as a gateway for the courts to impute and protect intangible elements of home. It demonstrates that the court may consider factors beyond the 'bricks and mortar'⁹⁷, such as the distress caused by removing an individual from their community.

But what about the theme of control? The landlord could not take back control of his property, but does that mean Mrs Whitehouse experienced a sense of control in her home? Her relationship with the flat suggests that she did, but in a more complex manner than an owner-occupier might. Her length of occupation was evidence of this; she may not have had a legal security of tenure, but her occupation of 45 years had created a culture of security which she relied on. Mrs Whitehouse's appeal may have been successful, but the fact that her home space was threatened is problematic. The sense of security she experienced for 45 years was a façade and could be challenged by the decisions of her landlord. The case reveals the ultimate difficulty faced by private tenants and their homes. Contemporary tenants with ASTs and rolling ASTs do not even have the same culture of security experienced by Mrs Whitehouse. Rather they face the opposite; a culture of *insecurity* created by the threat of s.21 eviction notices.⁹⁸ Other aspects of their home life may satisfy the theme of control, but this highlights one example of how tenants may experience home in a different, and arguably lesser, way than their homeowner counterparts. Some owner-occupiers may face insecurity due to mortgage debts, but their threat of insecurity is less arbitrary. They are also more likely to be able to exert control over their home in other ways, such as design or renovation.

⁹⁴ *Whitehouse v Loi Lee* [2009] EWCA Civ 375 at 37

⁹⁵ Although, it appears the county court judge gave too much weight to the financial impact on the Lee siblings, thereby impacting the validity of the initial ruling.

⁹⁶ It must be noted that reference was given to the fact that the Lee siblings were not in a state of financial need; the financial impact would not be huge or unduly affect their livelihoods.

⁹⁷ *Whitehouse v Loi Lee* [2009] EWCA Civ 375 at 37

⁹⁸ s.21 Housing Act 1988

For tenants, a focus on length of occupation can act as a double-edged sword. In some suitable alternative accommodation cases, particularly those where a tenant has resided in a property for several decades, the focus on duration can be a positive one; a tool the courts can utilise to keep the tenant in their home. For tenants that do not have a long-term relationship, their home space may be put at risk. This is the case regardless of whether they have had a fulfilling home experience. Further empirical investigation is necessary to discover the importance of the short-term tenant home space. My interviews with members of Generation Rent¹ offers some interesting insights. For some, their unachieved aspirations lead to dissatisfaction with their tenant home space, even though it provides overall good experiences.⁹⁹ Length of occupation is a good indicator for the strength of a relationship between person and property, but it is not infallible.

*Caradon District Council v Paton*¹⁰⁰ raises questions of home or holiday, with a focus on length of occupation. The tenants had agreed to a restrictive covenant with the council as part of the 'Right to Buy' scheme. The covenant did not allow for the use of the premises for any purpose other than that of private dwelling-house.¹⁰¹ The fact that the tenants let out their property for 1-2 week holidays in the summer months appeared to conflict with this. The courts interpreted 'dwelling-house' in a similar manner to *Uratemp*¹⁰² and decided that holiday use did not fall within the ambit. Latham LJ observed that:

Both in the ordinary use of the word and in its context, it seems to me that a person who is in a holiday property for a week or two would not describe that as his or her home. It seems to me that what is required in order to amount to use of a property as a home is a **degree of permanence, together with the intention that that should be a home**, albeit for a relatively short period, but not for the purposes of a holiday.¹⁰³ [emphasis added]

Further, according to Clarke LJ:

A person renting a holiday house for, say, one or two weeks, is not using it, in any sense, as his home. On the contrary, he leaves his home in order to have his holidays somewhere else [...] There appears to me to be a significant distinction between, say, an assured tenancy of six months, and a one or two-week holiday let.¹⁰⁴

The phrasing avoids focusing on merely the practical and physical aspects of home. From an outside perspective, the use of the property by tenants and by holidaymakers may look identical. However, holidaymakers lack the necessary 'degree of permanence' and 'intent'. Of course, 'degree of permanence' is not scientific; could a holiday be converted to a home if a certain length of time has passed, and if the intent changes? The 'intent' aspect is difficult

⁹⁹ See Chapter 6 onwards

¹⁰⁰ *Caradon District Council v Paton* [2000] 3 EGLR 57

¹⁰¹ *Ibid* at 3

¹⁰² *Uratemp Ventures Ltd v Collins* [2001] UKHL 43

¹⁰³ *Caradon District Council v Paton* [2000] 3 EGLR 57 at 36

¹⁰⁴ *Caradon District Council v Paton* [2000] 3 EGLR 57 at 43

to determine but appears to be a test similar to *Uratemp*¹⁰⁵. Holidaymakers do not experience the emotional connotations of home. In *Caradon*, Clarke LJ represents home as a place to leave and return ('he leaves his home in order to have his holidays somewhere else'¹⁰⁶); a point of origin for the individual.¹⁰⁷ This aligns with the previous, multidimensional portrayal of home.¹⁰⁸ A holiday, by contrast, evokes a sense of escapism and brevity. The focus on the intangible value of home can be viewed as a purposive approach to the legislation; Latham LJ believed that 'the concept of a dwelling-house as a home is a matter which is of fundamental significance in relation to the protection which is intended to be provided by the Rent Acts.'¹⁰⁹ The home space is intended to be protected; a holiday, however enjoyable, is not.

'Only or Principal Home'

Alongside 'dwelling-house', another phrase that has featured heavily in PRS legislation and case law is 'only or principal home', but the latter often involves both physical and emotional signifiers and shows how the courts may consider both elements simultaneously. At first the phrase 'only or principal home' appears to go against the consensus in my literature review that home need not exist in just one place. However, 'only or principal' actually suggests the possibility of more than one home, but that they exist in a hierarchy. Some academics may dispute ranking home spaces and classifying one as the 'principal home' but such a hierarchy is likely to apply to most individuals. For example, if parents are separated, a child may experience home in both their homes, but they are still likely to consider one as their 'principal home'. This may not apply to all scenarios, but it is reasonable for legislation to suggest that home experiences do exist within a hierarchy, and for the courts to apply it accordingly.

In *Amoah v Barking and Dagenham*¹¹⁰ the tenant was granted a secure tenancy under the Housing Act 1985. Although the case involved a council tenant, s.81¹¹¹ states that the tenant must have occupied the dwelling-house as 'his only or principal home'. PRS legislation may be separate, but similar terms may influence judges' interpretations, and are thereby part of the overall conceptualisation. Section 82 of the Act prevents the termination of a secure tenancy by the landlord otherwise than in accordance with the provisions of Part IV of

¹⁰⁵ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43

¹⁰⁶ *Caradon District Council v Paton* [2000] 3 EGLR 57 at 43

¹⁰⁷ Dovey (1985)

¹⁰⁸ See Chapter 2

¹⁰⁹ *Caradon District Council v Paton* [2000] 3 EGLR 57 at 33

¹¹⁰ *Amoah v Barking and Dagenham* (2001) 82 P&CR DG6, CA

¹¹¹ s.81 Housing Act 1985

the Act.¹¹² Mr Amoah was sentenced to 12 years' imprisonment; during that time, the council served a notice to quit and obtained a possession order for the property. They maintained that he no longer occupied the property as his principal home, and even if he did intend to return after his sentence, this was beyond a reasonable length of time. The court of first instance agreed and found that Mr Amoah was 'not demonstrating the evidence necessary to show that he was in occupation of the premises at the time of the service of the notice to quit'¹¹³. At the Court of Appeal, reference was made to Lord Green MR in *Brown v Draper*¹¹⁴, and the idea of continuing occupation by 'possession by [the tenant's] licensee or by leaving, for example, [their] furniture in the house'¹¹⁵. This was accepted in *Brown v Brash*¹¹⁶. As per Asquith LJ: 'the tenant cannot be compelled to spend 24 hours in all weathers under his own roof for three hundred and sixty-five days in a year'¹¹⁷ but they must still communicate their intention to remain in residence 'with some formal, outward, and visible sign'¹¹⁸. Furniture or a caretaker were acceptable examples.

The 'outward and visible sign' is evocative of the physical signifiers of home; a tangible element that the courts can easily recognise. Furniture is thereby a good example and plays a key, practical role in the home space; for example, a bed allows for necessary sleep, although as per *Uratemp*¹¹⁹, it may not be an essential item within the home. It relates to the emotional home; furniture was identified as important in my literature review as it carries connotations of identity and personhood.¹²⁰ To the outsider, the presence of furniture not only signifies a home space but offers an insight into the personality or habits of the inhabitants. Further, the idea of a 'formal, outward and visible sign' of home is interesting in relation to Goffman's 'front' and 'back' behaviours.¹²¹ The home is an 'outward and visible sign' of the self to others; it represents the individual that lives there within the community it exists in. The comment supports the analysis in this chapter that the courts require an 'outward and visible sign' of home in order to recognise and protect it. The physical structure, home activities and length of occupation are all 'outward and visible sign[s]' that the courts can identify and use to impute other less obvious elements of home such as identity and haven. Although *Amoah* may have been referring to a sign demonstrating an intention to return after a prison sentence, the case comments on a deeper understanding of the concept of home. The home itself embodies the intention to return; it is the point of orientation.¹²² It must be noted that the outcome of *Amoah*, and similar cases, debunks the idea that prison

¹¹² s.82 Housing Act 1985

¹¹³ *Amoah v Barking and Dagenham* (2001) 82 P&CR DG6, CA

¹¹⁴ *Brown v Draper* [1944] KB 309

¹¹⁵ *Ibid* at 315

¹¹⁶ *Brown v Brash* [1948] 2 KB 247, [1948] 1 All ER 922

¹¹⁷ *Ibid* at 254-255

¹¹⁸ *Ibid* at 254-255

¹¹⁹ *Uratemp Ventures Ltd v Collins* [2001] UKHL

¹²⁰ Radin (1982)

¹²¹ Goffman (1959)

¹²² Radin (1982)

may constitute a home from a legal perspective. Previous cases have raised the possibility of multiple home spaces, but in *Amoah* the question of whether the prison was ever Mr Amoah's principal home was not discussed. It would be interesting to see if empirical research revealed a similar stance from the inmates themselves.

In *Gofor Investments Ltd v Roberts*¹²³ evidence of furniture was also sufficient, and an absence of 8-10 years was not seen as a prolonged enough time to rebut continued residence.¹²⁴ The Court of Appeal accepted that it was 'a question of fact and degree whether an absence is sufficiently prolonged or unintermittant to compel the inference, prima facie, of a cesser of possession or occupation'¹²⁵. It appears that the courts are willing to take a wide approach to a 'sign' of an individual's occupation or connection to a property, suggesting an understanding of the importance of home. Such an analysis is reminiscent of *Link Lending v Bustard*¹²⁶, in which the defendant was seen to be in actual occupation of her home despite the fact she had been sectioned under the Mental Health Act 1983. Her regular visits were sufficient signs of 'actual occupation' that the courts could recognise. *Gillow v United Kingdom*¹²⁷ introduced the idea of 'sufficient and continuing links', although this was a human rights case. It explored whether the refusal of a grant of a licence to the owners to occupy their property by the Guernsey Housing Authority violated the ECHR¹²⁸. Although the applicants had been absent from Guernsey for several years, the Court found that they had maintained 'sufficient and continuing links' with the house for it to be deemed their home for the purposes of article 8. The test echoes the idea of a formal, outward and visible sign and was repeated in *Buckley v United Kingdom*¹²⁹.

Furniture and the concept of the principal home were both relevant in *Stephens v Kerr*¹³⁰. Here, the issue was whether Miss Stephens became a statutory tenant on the death of her mother. The transition was only possible 'if and so long as [the tenant] occupies the dwelling-house as [their] residence'¹³¹. The difficulty for Miss Stephens was that she habitually stayed at a friend's house, sometimes 4 or 5 times a week. Although the phrase 'only or principal home' was not in the relevant legislation, the fact that she needed to occupy No.6 as her residence seemed to suggest as much. However, her electricity and water bill were miniscule, suggesting that she hardly lived in the property. Further, some of her possessions, including her dog, permanently resided at the friend's house. A pet can be considered indicative of the home space; my empirical research also supports this idea.¹³² Miss Stephens claimed that

¹²³ *Gofor Investments Ltd v Roberts* [1975] 20 P & CR 366, (1975) 234 EG 607

¹²⁴ See also: *Beggs v Kilmarnock and Loudoun District Council* [1995] SC 333

¹²⁵ *Amoah v Barking and Dagenham* [2001] 82 P&CR DG6, CA

¹²⁶ *Link Lending Ltd v Bustard* [2010] EWCA Civ 424

¹²⁷ *Gillow v United Kingdom* [1986] 11 EHRR 335

¹²⁸ European Convention on Human Rights 1950

¹²⁹ *Buckley v United Kingdom* [1996] 23 EHRR 101

¹³⁰ *Stephens v Kerr* [2006] All ER (D) 186

¹³¹ s.2(1)(a) Rent Act 1977

¹³² See Chapter 7

she only stayed at the friend's house due to an uneasy relationship with her neighbours. She had kept most of her furniture at the property in question and had made improvements in the garden since her mother's death. The County Court identified that it was a question 'of fact and degree'¹³³ as to whether she lived at the property as her residence and determined:

Miss Stephens has not ceased to occupy No. 6 as her home. It has been her home all her life. Although her new arrangements have reduced the importance of No. 6 to her as a place to resort to, her connection with it is still sufficiently great that she still occupies No. 6 as her home, or as her residence.¹³⁴

This is another example of how the courts can assess both physical and emotional aspects of the home and indicates an understanding of the four core themes of home I established in my cross-disciplinary analysis. The court references her home as 'a place to resort to' that she shares a 'connection' with; the 'place' offers shelter and her 'connection' is evidence of ontological security. Arguably her 'personal relationship' was with the property itself, and the memories she held there of her mother. Her improvements in the garden are an example of her exerting control over her home environment, which is evocative of Radin's theory of property and personhood.¹³⁵ Although the four themes are satisfied, Miss Stephens' experience, and her 'connection', embodies the emotional home space. No.6 Upton Road may not have functioned as a home in practise for a good length of time, but the fact it had been Miss Stephens 'home all her life' was evidence of occupation. Interestingly, Miss Stephens could not call her home a haven, as she found living next to her neighbours to be difficult. As a critical component of home, a lacking sense of refuge can destabilise the home space. Yet for Miss Stephens, the memories of her mother and her possessions were more important than the negative aspects of the home. The case recognises the scope of the emotional home space, and how it may be imputed by the courts to satisfy physical occupation.¹³⁶

'A Question of Fact'

The case law suggests that while the courts are able to recognise and discuss different signifiers and themes of home, they are wary of creating an in-depth legal definition that could act as a 'restrictive gloss'¹³⁷. Even terms that act as legal substitutes for home, such as 'dwelling-house'¹³⁸, are not considered 'term[s] of art'¹³⁹. Legal tests relating to home, such

¹³³ *Stephens v Kerr* [2006] EWCA Civ 187 at 62

¹³⁴ *Ibid*

¹³⁵ Radin (1982)

¹³⁶ Such as 'dwelling-house', 'residence', 'alternative accommodation' etc

¹³⁷ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 4

¹³⁸ s.1 Housing Act 1988

¹³⁹ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 3

as 'reasonableness'¹⁴⁰ in alternative accommodation cases or 'sufficient and continuing links'¹⁴¹ are given a 'common-sense'¹⁴², wide interpretation by the courts. This is also the case in contemporary human rights law. The term 'home' features in the European Convention on Human Rights (ECHR), which is ratified in UK law by the Human Rights Act (HRA) 1998. According to Article 8:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Moreover, as per Article 1 of Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms:

Every natural or legal person is entitled to the peaceful enjoyment of his possessions.

No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. [...] ¹⁴³

In *London Borough of Harrow v Qazi*¹⁴⁴, Lord Bingham states that the Convention¹⁴⁵ was intended to protect the 'the rights and freedoms most central to the enjoyment of human life in civil society'¹⁴⁶, and home is placed within that category. The presence of home within such legal instruments not only emphasises its importance both to individuals and society, but also demonstrates that home can and does have a place in legislation. Nevertheless, home is not given a legal definition within the Convention. As summarised by Lord Millett in *Qazi*:

The word 'home' has an 'autonomous' meaning in the Strasbourg jurisprudence, that is to say one which is independent of any particular meaning which may be attributed to it in the law of an individual contracting state. It does not, however, bear a special legal meaning developed by the case law of the Strasbourg Court, as does the expression 'civil rights' for example. It bears its natural and ordinary meaning as popularly understood throughout the contracting states. Whether premises constitute a person's 'home' for the purposes of article 8 is therefore a question of fact, and the Strasbourg Court will examine the facts for itself in order to determine whether they do so.¹⁴⁷

¹⁴⁰ *Cresswell v Hodgson* [1951] 2 KB 92

¹⁴¹ *Gillow v United Kingdom* [1986] 11 EHRR 335

¹⁴² *Stephens v Kerr* [2006] All ER (D) 186

¹⁴³ Article 1 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms [1952] Paris 20.III

¹⁴⁴ *London Borough of Harrow v Qazi* [2003] UKHL 43

¹⁴⁵ European Convention on Human Rights 1950

¹⁴⁶ *London Borough of Harrow v Qazi* [2003] UKHL 43 at 8

¹⁴⁷ *Ibid* at 95

Stating that home has an autonomous meaning reaffirms the fact that it is a familiar, everyday concept, like the conceptualisation in *Uratemp*¹⁴⁸. Home is something that can be understood across national boundaries and in different languages, without a strict legal definition. As an autonomous concept, it acts as an umbrella term that encapsulates all manner of home experiences. Such a conceptualisation is supported by the cross-discipline assessment in Chapter 2 that home comprises of subjective experiences but has a universal understanding. The approach also raises criticism: is home undefined in human rights' law because it is incapable of defining it? And further: is home afforded its 'natural and ordinary meaning' because there is no definitive legal concept of home? Analysis within this chapter suggests otherwise. Home is directly present in the legislation and that presence alone indicates a legal conceptualisation; its autonomous application acts as the legal definition. To invoke a concept's 'ordinary and everyday meaning' is not to reduce its legal status, but to elevate it. Attempting to legally define home across 28 countries, or even domestically, risks narrowing its meaning and thereby alienating certain individuals or communities. Instead, home is recognised as a construct too important to be shaped or restricted by legislative definition. Home is not legally defined, but it is legally understood.

In *Qazi*¹⁴⁹, Lord Millett stated that home is 'a question of fact'¹⁵⁰ for the courts to determine. This conceptualisation fits with the approach explored above. The autonomous approach to home therefore emphasises the importance of the key factors or signifiers thereof: the signifiers of home discussed in this chapter constitute the legal concept of home and become increasingly important for courts seeking to identify and protect the home space. In his deliberations, Lord Bingham stated that determining 'home' is a 'straightforward' and 'down-to-earth' reflection¹⁵¹, and referred to Lord Millett in *Uratemp*: home is a place that a person 'lives and to which he returns and which forms the centre of his existence'¹⁵². In *Qazi*, it was deemed that 31 Hutton Lane was still Mr Qazi's home, even though he had no legal right to occupy. The connection between property and person does not cease simply because legal ties are relinquished: '[t]he expiry of his wife's notice to quit brought his right to occupy the house as a tenant to an end, but it did not bring his occupation to an end. The house continued to be the place where he lived and so his home.'¹⁵³ There is no legal right to home¹⁵⁴ and an interference by a public authority may be justified¹⁵⁵, but this does not weaken its value. Rather, it recognises the very different economic, social and political perspectives of the 28 Member States. To place such a costly positive obligation on every State may risk greater inequality and even undermine home as a subjective, personal experience. A house may be provided by authorities, but that does not make it a home.

¹⁴⁸ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43

¹⁴⁹ *London Borough of Harrow v Qazi* [2003] UKHL 43

¹⁵⁰ *Ibid* at 95

¹⁵¹ *Ibid* at 8

¹⁵² *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2002] 1 AC 301 at 31

¹⁵³ *London Borough of Harrow v Qazi* [2003] UKHL 43 at 11

¹⁵⁴ *Ibid* at 11

¹⁵⁵ Article 8(2) European Convention on Human Rights 1950

Lord Bingham's comments are important as they reaffirm that home is not a legal word or status. Mr Qazi's home did not cease to be his home simply because he no longer had a legal right to be there. The home status is not legal; it is personal. However, it also emphasises the important role that law has in relation to the home space. Home may not be legally created, but it is legally regulated. Contemporary legislation, i.e. the Housing Act 1988, makes this distinction even clearer. The Housing Act 1988 does not offer the courts the same scope and flexibility as previous legislation. Section 21 eviction notices give landlords the power to evict their tenants without reason.¹⁵⁶ There is no chance for tenants to tell their 'home stories'¹⁵⁷ or defend their right to stay in their home. The legal history and approach to home does not matter if the courts cannot effectively apply it. My empirical analysis suggests that contemporary tenants' views of home are more in keeping with previous legislation that offered more tenant protection, such as protected tenancies under the Rent Act 1977.¹⁵⁸ The current government has stated they intend to abolish s.21 eviction notices, but this has yet to be enacted.¹⁵⁹ The legal concept of home within the PRS is well-developed and reflective of broader scholarship, but currently it is stifled by inflexible legislation. In this manner, the Housing Act 1988 (and ASTs and s.21 notices in particular) acts as a disjoint from the otherwise positive development.

This is particularly clear in *McDonald*¹⁶⁰. The case directly referenced the 'stress and upheaval of trying to find and move into alternative accommodation'¹⁶¹, echoing the dicta in *Whitehouse*¹⁶² and demonstrating that it is an important consideration. The judgment is important as it provides a summary of 'the history of the policy of successive Governments towards renting in the private sector'¹⁶³. The case questioned whether the Housing Act 1988¹⁶⁴ complies with article 8 of the ECHR.¹⁶⁵ However, the case did not involve a public authority and was dismissed at the Court of Appeal.¹⁶⁶ There was seen to be a 'fundamental difference'¹⁶⁷ between private and public landlords. It was determined, following the essential principles of the Act, 'that private landlords letting property under an AST should have a high degree of certainty that, if they follow the correct procedures and comply with their own obligations, they will be able to regain possession of the property'¹⁶⁸. The Housing

¹⁵⁶ s.21 Housing Act 1988

¹⁵⁷ S. J. Bright (2010), 'Dispossession for Arrears: The Weight of Home in English Law', in L. Fox O'Mahony & J. A. Sweeney (eds), *The Idea of Home in law: Displacement and Dispossession* (London: Ashgate)

¹⁵⁸ See Chapter 6 onwards

¹⁵⁹ See: <https://www.gov.uk/government/news/government-announces-end-to-unfair-evictions> [accessed August 2019]

¹⁶⁰ *McDonald v McDonald and Others* [2016] UKSC 28

¹⁶¹ *Ibid* at 7

¹⁶² *Whitehouse v Loi Lee* [2009] EWCA Civ 375

¹⁶³ *Ibid* at 10

¹⁶⁴ Especially s.21(4) Housing Act 1988

¹⁶⁵ Article 8 European Convention of Human Rights 1950

¹⁶⁶ *McDonald v McDonald and Others* [2014] EWCA Civ 1049; [2015] Ch 357

¹⁶⁷ *McDonald v McDonald and Others* [2016] UKSC 28 at 49

¹⁶⁸ *Ibid* at 69

Act 1988 prioritises the rights of landlords over the tenant home space, and this would be the case whether proportionality was considered or not. As per Lord Neuberger and Lady Hale:

Were a proportionality defence to be available in section 21 claims, it is not easy to imagine circumstances in which the occupier's article 8 rights would be so strong as to preclude the making, as opposed to the short postponement, of a possession order.¹⁶⁹

Still, the discussion of whether article 8 may apply to private landlords is significant. In *McDonald*, the judgment explores the issue in-depth, as though the courts were searching for a justification to stretch the legislation's scope, rather than assuming otherwise. The appeal was dismissed, but that does not undermine the importance of the discussion. Home, in both the practical and emotional sense, is the 'centre of...existence'¹⁷⁰ and therefore invites debate about the extent that legislation can or should protect it. Current legislation may act as a disjoint in the development of the legal concept of home, but this need not undermine its scope altogether. Repealing s.21 notices will help towards creating greater resemblance with the cross-disciplinary approach and individual attitudes once more, yet still maintain a balance for landlord interests. Correlation between the three perceptions (cross-disciplinary, legal, individual) also justifies an autonomous approach to home as it reaffirms that home has universal connotations.

HMOs and Household

To determine individual attitudes to home, my thesis incorporates an empirical investigation and focuses on twelve members of Generation Rent¹. My participants are young graduates living in London, and they live in shared accommodation with at least one other person. It is therefore important to understand the definition and scope of 'Houses in Multiple Occupation' (HMOs), although it must be noted that some of my participants did not know what an HMO is or if they are living in one.¹⁷¹ HMOs are often treated as a distinct category of housing, certain types of which require greater regulation than the rest of the PRS. The reason for this can be seen from the complex definition first found in the Housing Act 1985: a 'house which is occupied by persons who do not form a single household'¹⁷². Many of the individual terms require discussion; for example, 'occupied' has been interpreted as 'lived in'¹⁷³, which is reflective of the above discussion on dwelling-house. For the purposes of the 1985 legislation, a house was determined to be 'a building which is constructed or adapted for use as or for the purposes of a dwelling'¹⁷⁴ and 'a place fitted and used and adapted for

¹⁶⁹ *Ibid* at 73

¹⁷⁰ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2002] 1 AC 301 at 31

¹⁷¹ See Chapter 7

¹⁷² s.345 Housing Act 1985

¹⁷³ *Silbers v Southwark* [1077] 3 WLR 939

¹⁷⁴ *Ashbridge Investments Ltd v Ministry of Housing and Local Government* [1965] 3 All ER 371

human habitation'¹⁷⁵. Significantly, houses converted into flats are still considered houses¹⁷⁶, but the meaning is more complicated in relation to single flats and tower blocks.

More complex still is the definition of 'not of a single household' as 'single household' itself is not defined in the statute. My literature review in Chapter 2 explores the idea of household in some detail. It relates to the theme of 'personal relationships', although a household can consist of just one person.¹⁷⁷ For the purposes of the definition, HMOs are not just houses in multiple occupation, but houses with multiple households. Similar to Saunders and Williams, the legislation distinguishes between house, home and household, but understands the connections between them.¹⁷⁸ The 1995 case *Barnes v Sheffield City Council*¹⁷⁹ provided nine 'helpful indicators'¹⁸⁰ to satisfy 'not of a single household'. These indicators cover factors including the composition of the household, the shared facilities and boundaries of each individual's own space, as well as details of the property itself. Bingham MR identified 9 factors:

- the origin of the tenancy (whether the residents arrived as a single group or were independently recruited by the landlord);
- the extent to which the facilities were shared;
- whether the occupants were responsible for the whole house or just their particular rooms;
- the extent to which residents can and do lock their doors;
- the responsibility for filling vacancies;
- the allocation of rooms;
- the size of the establishment;
- the stability of the group;
- the mode of living - to what extent communal and to what extent independent.

Bingham MR suggested that the factors may be considered in any order, and there is no single factor the presence or absence of which is by itself conclusive. If residents do not share facilities and are individually recruited, particularly in large properties with a quick turnover, then they are likely to be considered as separate households, determined on a case-by-case basis.

The 'indicators' set out in *Barnes* are interesting in how they correspond with the themes of home established in my literature review. The issue of 'whether the residents arrived as a single group' relates to personal relationships; does the group know each other and feel such a strong connection that they wish to live together? This is related to the stability of the group and may not be an easy assessment to make; it also risks placing certain relationships in a hierarchy above others. For example, a family unit is likely to be considered more stable than friends; in reality, this may not be the case. Personal relationships relate to the idea of sharing

¹⁷⁵ *Reed v Hastings Corporation* [1964] 62 LGR 588

¹⁷⁶ *Okereke v London Borough of Brent* [1967] 1 QB 42

¹⁷⁷ Haviland (2003)

¹⁷⁸ Saunders & Williams (1988)

¹⁷⁹ *Barnes v Sheffield City Council* [1995] 27 H.L.R. 719; [1995] N.P.C. 87

¹⁸⁰ *Ibid*

and the mode of living; this also introduces the theme of control. Sharing and control do not necessarily go hand in hand; sharing is likely to require compromise. Control corresponds with the responsibility of the occupiers. Are they responsible for the whole house or just their rooms; are they responsible for filling vacancies; can they determine the allocation of rooms? The more responsibility that the tenants have, the less likely that the establishment is an HMO. This suggests that tenants in an HMO have even less control than PRS tenants in general. Their home space is much more likely to be limited to their rooms rather than the entire property; this was the case for most of my participants.¹⁸¹ The issue of privacy and the locking of bedroom doors exhibits that tenants within HMOs cannot experience all the elements of home within the entire property. Tenants are less likely to experience ontological security in a shared or communal living space; they cannot be their true selves.¹⁸² Of course, this may be the same for other households. Families have communal areas too; sharing is not a tenure issue as it affects many different types of households in many different tenures. However, tenants in HMOs are much less likely to know their housemates before moving in together. They meet in the home space; it is a relationship borne out of financial necessity rather than trust and similar interests. Moreover, sharing with a housemate is not the same as sharing with a loved one. For family members, the levels of intimacy are higher, and the boundaries are different.

Bingham MR establishes that in considering the 'single household', no one factor is considered the most important. His comments are reflective of the subjective experiences of home. To some individuals, one aspect of home may be more important than another. The 'indicators' in *Barnes* are evocative of the 'signifiers' of home identified in this chapter. Again, the courts find physical and documentable factors easier to identify and use as evidence; examples include the use of rooms, the locking of doors and the filling of vacancies. These indicators correspond with the physicality of home and the activities that occur within. Length of occupation may be less important for HMOs, but the theme of *time* is; particularly in relation to the formation of households. Evaluating the legislation and case law around HMOs also re-emphasises that not all private tenants are equal or have the same home experiences. It is too simplistic to categorise occupiers as either 'homeowners' or 'tenants'.¹⁸³

Summary

To conclude, this chapter analyses the concept of home with a focus on PRS case law and the corresponding legislation. It explores how the courts have imputed their interpretation of

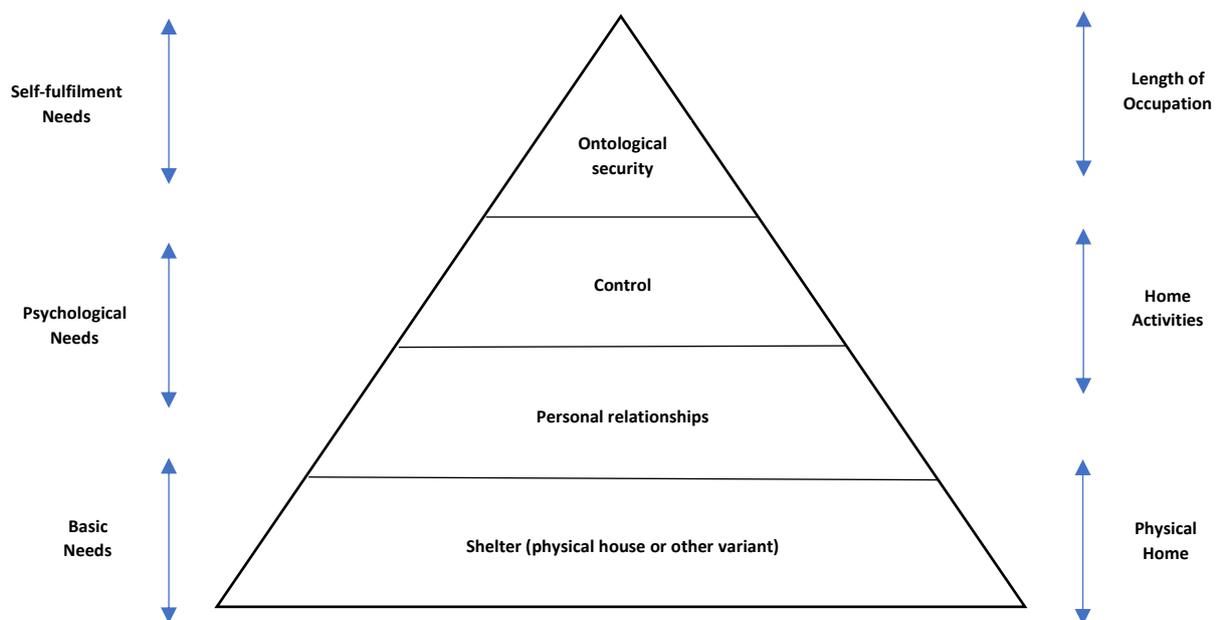
¹⁸¹ See Chapter 7

¹⁸² Goffman (1959)

¹⁸³ A. Murie and P. Williams (2015), 'A Presumption in Favour of Homeownership? Reconsidering Housing Tenure Strategies', *Housing Studies*, Vol.30(5), pp.656-676, p.672

home over the last 100 years into PRS and other related legislation. Gateway terms such as ‘dwelling-house’¹⁸⁴ or tests such as ‘sufficient and continuing links’¹⁸⁵ have allowed the courts to discuss the concept of home, and effectively identify three legal signifiers thereof. Their interpretations of home seem to focus on; the physical house (or other variant), home activities and length of occupation. These three things are tangible or documentable factors that the court can use as evidence to satisfy the legislative terminology. Although they are not a direct copy of the four core themes of home established in Chapter 2, there is correlation. The physical home relates to shelter; home activities relate to control and personal relationships; length of occupation relates to the ‘connection’¹⁸⁶ with the property and feelings of ontological security. The legal concept of home not only exists but is reflective of the themes identified in the broad scholarship. This can be represented in an updated version of my diagram:

Figure 5.1: Home’s Hierarchy of Needs (updated)



Source: M. Matthewman (author)

The above diagram shows how my core themes and the legal signifiers may line up using Maslow’s hierarchy. The cross-academic conceptualisation of home may appear broader; however, this chapter reveals that there are recognisable and significant similarities. Legal scholarship on the concept of home may be scarce, but my thesis acts as a socio-legal

¹⁸⁴ s.1 Housing Act 1988

¹⁸⁵ *Gillow v United Kingdom* [1986] 11 EHRR 335

¹⁸⁶ *Stephens v Kerr* [2006] All ER (D) 186

contribution to the broader scholarship and helps to bridge some of the gaps. My thesis champions a more multi- and interdisciplinary approach to home, and one that includes legal perspectives. Differences within the legislation and case law's conceptualisation need not undermine the legal contribution; instead, it offers a more nuanced and comprehensive understanding. This is covered in more detail in the section 'Towards a Multidisciplinary Approach' with some empirical support. This chapter has analysed the signifiers of home used by the courts and categorised these as either physical or emotional. Home requires both, which is supported by my choice of quote for this chapter: 'A house is not a home unless it contains food and fire for the mind as well as the body'. Home satisfies the basic, psychological and self-fulfilling needs of personhood.¹⁸⁷ This chapter demonstrates that the case law reflects an understanding of that requirement and has addressed my first research question. The next chapter and section introduce the empirical aspect of my thesis and address my second research question.

¹⁸⁷ Maslow (1954)

Part C

Experiencing Home

6. Empirical Analysis: The Home Experience

‘We leave something of ourselves behind when we leave a place, we stay there, even though we go away. And there are things in us that we can find again only by going back there.’¹

~ Pascal Mercier

Overview of My Participants

This chapter begins the analysis of my empirical investigation, thereby addressing my second research question: ‘What are the home experiences of Generation Rent¹, and how far are these shaped by their ASTs under the Housing Act 1988?’ Before I discuss the results and findings of the empirical research, it is important to break down the demographic information of my participants. To ensure anonymity, participants were identified as A, B, C, D, etc., during my data analysis stage. However, for the purposes of discussing my findings I have assigned them pseudonyms. Home is inherently intimate, and I want to ensure that my representation of the data reflects the personal nature.² All of my participants were aged between 22-29, living in PRS accommodation and aspired to homeownership.³ They also shared their home space with at least one other person and had shared facilities including the kitchen and bathroom. All my participants had experienced homeownership in their family or childhood home. My participants found their properties in different ways. Six participants used an agent, five found the property through a friend and one of my participants knew the landlord. Ten of my participants identified as single, which is a common but not exclusive element of members of Generation Rent¹⁴; two identified as being in a relationship. My participants that were in a relationship did not live with their romantic partner, and this did seem to affect their experience of home.⁵ All twelve of my participants had previously lived elsewhere in the UK before moving to London. A local may have offered a different perspective, but unfortunately my sample did not provide for one. The data reveals that ‘back home’ was an

¹ P. Mercier (2009), *Night Train to Lisbon* (London: Atlantic Books)

² This is also a common practice in qualitative research analysis. Participants may even choose their own pseudonym; see, for example: R. Allen & J. Wiles (2016), ‘A rose by any other name: participants choosing research pseudonyms’, *Qualitative Research in Psychology*, Vol.13(2), pp.149-165

³ McKee & Moore (2014)

⁴ McKee & Soaita (2018)

⁵ See the ‘Personal Relationships’ section, below

important and recurring concept, and this no doubt related to my participants' history. Marcu argues there is a strong connection between geography and belonging, and that this is often due to a 'nostalgic attachment'⁶, and this is reflected in my data. It would have been interesting to see whether 'back home' was still an important element to an individual that had moved homes within the same city. Based on the empirical data, 'back home' appears to carry geographical, temporal and emotional importance; it connects to the idea of previous home experiences more generally, especially the family home, and so this is likely to apply to many different individuals.

Table 6.1: Participants' Demographic Information⁷

Name	Age	Gender	Relationship Status	Nationality	Hometown
Aaron	27	Male	Single	White-British	Coventry
Beth	25	Female	Single	Asian-British	Rotherham
Callum	29	Male	Single	White-British	Wakefield
Debbie	25	Female	Single	White-British	Barnsley
Elle	23	Female	In a relationship	British	Brighton
Fahim	22	Male	Single	-*	Birmingham
Graham	27	Male	Single	White-British	Southampton
Hailey	23	Female	Single	British	Liverpool
Isabelle	24	Female	Single	Black-British	Glasgow
James	26	Male	Single	British	Swansea
Kieran	23	Male	Single	White-British	Blackpool
Leigh	22	Female	In a relationship	White-British	The Wirral

Source: My empirical research

*Did not respond

One participant was originally from Scotland (Glasgow), one participant was from Wales (Swansea) and the remaining participants were from other places in England. However, one of my participants was born in Syria, but moved to the UK as a young child and identified as British. Significantly, three of my participants had lived in Yorkshire; this is most likely due to the fact that my contacts in London were also originally from Yorkshire. However, my participants were from different places within Yorkshire including Barnsley, Rotherham and Wakefield. The remaining participants had previously lived in Birmingham, Brighton, Coventry, Liverpool, the Wirral and Southampton. Nine out of my twelve participants identified as White-British or British; one participant identified as Asian-British; one

⁶ S. Marcu (2014), 'Geography of belonging: nostalgic attachment, transnational home and global mobility among Romanian immigrants in Spain', *Journal of Cultural Geography*, Vol.31(3), pp.326-345

⁷ See full table in Appendix 7

participant identified as Black-British; one participant did not answer. Before their interview, the participant that had left the section blank stated that they were originally from Syria but that they now identify as British. Six of my participants identified as male and six identified as female.

In terms of religion, eight of my participants identified as having no religion, answering either 'no' or 'none'. Two of my participants identified as Muslim, one identified as Christian and one participant did not give an answer. Culture and religion were identified in my literature review as important elements of the home space, particularly in terms of identity and personalisation. However, this was not reflected in my empirical research; religion was not directly referenced at all. It should be noted that the interviews were conducted in a communal space, either the kitchen or living room. This meant that evidence of personalisation and individual identity was not prominent, and often my participants used their surroundings to explain their answers. If the interviews had been conducted in their bedrooms, culture and religion may have been more pronounced, but this is not clear. Nine participants identified as heterosexual. One participant identified as a gay man and two participants did not answer. I was unsure whether to include sexuality as part of the questionnaire as it may be considered too personal and may not be answered truthfully.⁸ However, as sexual relationships (and relationships more broadly) are recognised as one of my central themes of home, I decided that it was a relevant consideration. Further, the nature of home is inherently personal; as my participants were comfortable to be interviewed in their home and about their home, I was confident that the question would not be considered overly intrusive. Of course, as with any question, my participants had the option not to answer.⁹ Significantly, the data revealed that all kinds of relationships were a central part of the home experience; although sexuality was not explicitly discussed, including it in the questionnaire notified my participants that they could discuss the topic in relation to home if they wanted to.

All of my participants were in paid employment. Two of my participants were trainees but still worked full-time. Unfortunately, I did not ask my participants specifically about their wages. In retrospect, I believe this was a mistake as I could have calculated the percentage taken to cover their rent. It would have also been interesting to compare my participants' responses with their incomes in mind. Money was a significant theme raised by the interviews, and overall, I believe my participants revealed enough about their monetary concerns for me to have a comprehensive understanding of how it impacted their home space. Overall, I would characterise the group of participants as young professionals. They had all attended University to at least graduate level; four participants had studied at postgraduate level or undertaken other further training. Three of my participants worked 'in

⁸ E. Munro (2008), 'Research Governance, Ethics and Access: A Case Study Illustrating the New Challenges Facing Social Researchers', *International Journal of Social Research Methodology*, Vol.11(5), pp.429-439

⁹ G. Crow, R. Wiles, S. Heath & V. Charles (2006), 'Research Ethics and Data Quality: The Implications of Informed Consent', *International Journal of Social Research Methodology*, Vol.9(2), pp.83-95

the City'; two worked in a legal profession and one identified as an accountant. The careers were quite varied but were largely 'office' jobs including IT, HR, recruitment and student services in a University. Objectively, all of my participants had 'good jobs'¹⁰, although one of my participants, Debbie, worked in the hospitality sector and expressed concerns about wages and the cost of living in London:

Yes, I'm back in the hospitality sector at the minute, which is just a joke. Eventually they'll be no one left to work in restaurants or shops in London because no one can afford to live here! Honestly. My friend [name] had to move back home because of it. We thought we could make our way in the big city – cliché I know – but in the end she moved back. I still might do. I work in [restaurant] now, I've worked there around 14 months altogether – I left and came back. It's not the dream job - I'm looking for something more related to my degree. But it's work. Not that there's anything wrong with working in a restaurant – but in London it feels like there's a culture of pressure to do something bigger. Half of my colleagues graduated with drama degrees and are looking for acting work. The other half are like lawyers and stuff. But there isn't any jobs either.

Although my sample may be limited, it does offer an important commentary on the cost of living in London. My participants were graduates in full-time and largely well-paid work and they were unable to save for a deposit. Some expressed concerns about affording their rent or being able to afford other necessities once the rent was paid. One participant, Aaron, said: 'You need to be willing to sell organs just to afford your weekly food shop'. London is one of the most expensive places to live in the UK¹¹; however, their struggles are reflective of the group more broadly. Issues of rent, wages and house prices are not exclusive to London, although they are perhaps more severe.¹² For my participants the cost of rent varied from £450-£750 per person per month, with the average household paying between £1500-£3600 per month. The households varied from two to six people sharing with the average household comprising of four people. My participants paying the cheapest rent lived in larger households and typically had a longer commute. I had expected the rental cost to be higher; however, considering the total rent per property, the rental costs were more in line with my expectations. The average cost of rent in London is difficult to determine as it varies by location, type of property and number of tenants. According to government statistics, the average cost of rent in London in 2016 was £600ppm.¹³

¹⁰ Based on wages as determined by the ONS, available at:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2018> [accessed August 2019]

¹¹ ONS (2015) latest release, available at:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/londonanalysis/2015-10-12> [accessed August 2019]

¹² ONS (2015) latest release, available at:

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/articles/londonanalysis/2015-10-12> [accessed August 2019]

¹³ See: <https://www.gov.uk/government/statistics/private-rental-market-statistics-may-2016> [accessed August 2019]

Table 6.2: Further Demographic Information¹⁴

Name	Employment Sector	Sharing ¹⁵	Rent (£pppm)	Occupation (months) ¹⁶
Aaron	Law	4	450	14
Beth	Marketing	2	750	6
Callum	Finance	5	450	36
Debbie	Hospitality	4	750	24
Elle	Human Resources	4	650	7
Fahim	Health	6	600	6
Graham	Sales	5	550	24
Hailey	IT	3	750	12
Isabelle	Animal Care	4	700	15
James	Recruitment	5	600	24
Kieran	University	4	700	30
Leigh	Law	3	600	10

Source: My empirical research

The length of time that my participants had lived in their homes also varied significantly. Some of my participants had been in their homes for as little as three months; others had lived there for three years. The average length of time was around 17.3 months. My participants were largely unsure how long they planned to stay in their rental accommodation for. Answers varied from ‘not much longer’ (Callum) to ‘as long as I can’ (Hailey). Some were more specific stating ‘one to two years’ (Beth) or ‘at least another couple months’ (Debbie), but even these answers lacked a definitive timeframe. Uncertainty was the common theme in regards the intended length of occupation. This was partly related to life uncertainty; many of my participants did not necessarily know if they would stay in their current jobs or continue to live in London indefinitely. However, I think the uncertainty was a result of the nature of the PRS and their insecure contracts. As Aaron stated: ‘I don’t know – might get kicked out’. My participants felt unable to make long-term plans for occupation as they did not wholly control the situation. Their landlords act as gatekeepers to their homes and ultimately determine how long their relationship with the property lasts. Significantly, none of my participants stated that they would raise children in their current homes; Debbie simply said, ‘absolutely not’. Kieran said that he would consider raising children in the property, but not

¹⁴ See full table in Appendix 7

¹⁵ Refers to the total number of people sharing a communal space in the property (including my participant). This includes either a kitchen or bathroom (or both).

¹⁶ Total length of occupation; number has been rounded to nearest month based on the participants’ responses.

as a shared home with other housemates. The sharing aspect appeared particularly important; Hailey said: ‘no, what would my housemates say?’ The issues of children may have impacted their ability to articulate how long they planned to stay in the property; if they did not want to raise children there, it could not be a long-term occupation for those that wanted children in the future. Asked what they would do if their landlord asked them to leave, my participants responded with a reserved acceptance or indifference. None of my participants suggested fighting the decision or acknowledged the possibility of legal proceedings. Fahim simply stated, ‘then I would go’, indicating he would find somewhere else to live. Their responses seemed at odds with their overall positive descriptions of their homes and their experiences thereof. I do not think my participants felt that their homes were not worth fighting for; rather they felt the fight was already decided, and that they had lost.

The next section analyses my participants’ responses to the question: ‘What does home mean to you?’ It also incorporates some responses to other questions where my participants discussed the meaning of home; my interview prompt list is available in the appendix.¹⁷ I was interested to see whether my participants could define home, and if there were any commonalities between their responses. Overall, I anticipated correlation with the results of my literature review¹⁸ but I was interested to discover any divergences or new findings. Indeed, some elements, such as vulnerability and nostalgia, appear to be far more important than my review of the literature suggested. The significance of looking forward and reflecting on the past in relation to home is discussed in the next chapter; the relationship between time and home is particularly important to my participants and is worthy of a more detailed analysis, especially due to its connection to tenure. Discussing the meaning of home reveals its multitude of layers; some participants define the meaning of home in a more generalised manner, while others explain what home means to them personally. I think this reiterates the idea that the experience of home is subjective but confirms the possibility of defining home in a more universal, albeit less nuanced, manner. This chapter is divided into three more sections and focuses on home as a physical place, as the centre of existence, and the importance of personal relationships. These elements correlate with the four core themes identified in my literature review (shelter, personal relationships, control and ontological security)¹⁹ as well as the signifiers from my analysis of the case law (physical home, home activities, length of occupation)²⁰. Although the cross-disciplinary, legal and individual perceptions of home may not be neatly represented as having the same conceptualisation, there is significant overlap. This is explored more, below, and in the remaining chapters.

¹⁷ See Appendix 6

¹⁸ See Chapter 2

¹⁹ See Chapter 2

²⁰ See Chapter 5

A Physical Place

Ten of the twelve participants used terminology such as ‘somewhere’ or ‘a place’ to describe what home means to them. They recognise that home needs a physical dimension; it has an element of tangibility and a fixed location. Two participants specifically referenced the ‘four walls’ (Debbie and Leigh), indicating that home requires a house or similar construct. I do not think this was intended in a manner that excluded other forms of housing.²¹ Rather, it highlights the ‘bricks and mortar’ tradition in England and the UK highlighted in my literature review.²² Likewise, it follows the use of ‘dwelling-house’²³ in PRS cases; the building is the most identifiable aspect of home. Without the physical structure, it would be difficult for the courts to articulate their deliberations. This was also true for my participants. They struggled to define home without referring to the physical structure or location, but terms such as ‘somewhere’ or ‘a place’ were not used in isolation; home is ‘somewhere [they] feel safe’ (Beth) or ‘a place [one] can relax’ (Callum). Home is not *just* a location or physical thing; its tangibility allows for intangible feelings and experiences to develop. A home cannot be safe or harbour intimate relations without ‘four walls’. Interestingly, my participants defined home in a similar manner to ‘house + x factor’²⁴; a place coupled with feelings or experiences. However, their comments expose the equation as too simplistic. The equation treats the ‘x factor’ and ‘house’ as two separate variables, but this is not true. The ‘x factor’ is not a separate variable from the ‘house’; rather, it is often reliant on it. Further, the terminology ‘x factor’ invokes a hierarchy which places ‘house’ as lesser; the equation does not simply use ‘x’ referring to any variable, but the ‘*x factor*’, understood here as a ‘special quality’²⁵. Although the feelings and experiences represented by ‘x factor’ may be more valuable, the dependence on the ‘house’ suggests that the latter should not be overlooked.

The physicality of home relates to its location in the real world. London was referenced constantly throughout the interviews, described as ‘the hub of the world’ (Aaron), ‘the best place in the world’ (Beth) and ‘*the city*’ (Debbie). Its presence throughout the course of the interviews again reflects the importance of ‘place’ to the home, and that ‘place’ may extend beyond the ‘four walls’. This is particularly true for community. It exists beyond the building, but directly impacts on the home experience. Leigh stated:

I think the meaning [of home] has changed a lot overall. I think it used to be more communal – not just the four walls, but beyond that a bit too. Family, friends, neighbours...it’s very personal, and unique. You don’t get that feeling anywhere else but home.

Leigh understands the importance of home beyond its physical barrier; her ‘[f]amily, friends, neighbours’ all contribute to her home experience. Although she states that home ‘used to

²¹ For example, caravans, tents, shacks, shanties, etc.

²² See Chapter 2

²³ In particular, s.1 Housing Act 1988

²⁴ Fox O’Mahony (2007)

²⁵ Quoted from the OED, available: <https://www.oed.com/> [accessed August 2019]

be more communal', she is still conscious of the impact of her community, reflected by her reference to 'neighbours'. Asked if she felt at home in London, Beth, responded:

Yes and no - I do in the property as I have my belongings and that makes it feel like home. And I have friends here which make London feel like home - but as I've lived in London longer it's felt less like home as I think I want something different, like to be in a smaller place where there is more of a sense of community.

Beth is concerned with how her home experience is impacted by external factors. In my literature review, I discussed Hollander's analysis of the interplay between the home and that beyond it.²⁶ Home can be viewed as the innermost circle of many concentric circles. The outer circles represent the street and town, and everything beyond that. Hollander believes that each circle acts as 'an inalienable part of us' and that to be deprived of any circle, 'man would be deprived of himself, of his humanity'.²⁷ Heidegger also believes that home extends beyond the boundaries of the house into the neighbourhood and region.²⁸ Beth desires to live in a 'smaller place' where she believes there would be a stronger 'sense of community'. She believes that the community hub beyond her home impacts (or is even a part of) her home experience. This supports the arguments of both Hollander and Heidegger and complements the importance of community in the alternative accommodation cases discussed in Chapter 5. To repeat Lord Justice Rimer in *Whitehouse v Loi Lee*²⁹:

[...] Flat 34c was not just the bricks and mortar in which they lived. It had been, for the greater part of their adult lives, their home in a special local, village-like community in which they had played and continued to play important roles; a community in which they enjoyed, and returned, local friendship and support, with the latter becoming more important to them with the passage of the years (and which would be of particular importance if one of them were to die); a community which would and could not be replicated in flat 11. The tenants were at an age when they could not 'start again' at flat 11.³⁰

Lord Justice Rimer recognised that Mrs Whitehouse valued her home not as 'bricks and mortar' but as a home situated within a community that she valued and thrived in. In this particular case, the external community was considered more important than the internal home space. Certainly, Beth values community as an element of her home experience, but for my participants it was not seen as a determinant characteristic of home overall. This may have been influenced by their status as members of Generation Rent¹; they aspired to homeownership and intended to leave the communities they currently enjoyed. Other groups, such as the elderly or retired, may place more value in community; this certainly appeared to be the case for Mrs Whitehouse.

²⁶ Hollander (1991)

²⁷ *Ibid*

²⁸ M. Heidegger (1971), *Building Dwelling Thinking. Poetry, Language, Thought* (New York: Harper Colophon Books)

²⁹ *Whitehouse v Loi Lee* [2009] EWCA Civ 375

³⁰ *Ibid* at 37

However, if the relationship between person and location (or community) is negative, this may not be the case. Debbie stated:

London feels like a beast outside my door – it feels a lot more dangerous than the town I grew up in. Barnsley wasn't heaven on Earth but it...I felt like I knew it, you know? I just...understood it – the people and the places.

Debbie refers to London as 'a beast outside [her] door'. The emphasis on 'door' establishes firm boundaries between her home and everything beyond it. She does not view London as her home but as a 'beast' and 'dangerous', both of which directly contradict with the idea of home as a haven³¹. The comparison between London and her hometown Barnsley is significant; although Barnsley is not 'heaven' either, the fact that she 'knew it' created a sense of familiarity, understanding, and therefore a greater sense of home. The importance of 'back home' is explored in the next chapter. Debbie's use of 'heaven' suggests that she does believe that home, and its location, *should* carry connotations of joy and safety. The house may have a physical boundary in the form of the 'four walls' and the door, but the home is a multidimensional and multi-spatial concept that need not be confined within it. If the individual's feelings towards the location is negative, the home space may not extend beyond the door, and they may not feel part of the larger community.

Other negative comments towards London focused on money, such as Aaron's joke about the cost of a weekly food shop (quoted above). Although his statement was said in jest, it reflects the overwhelming cost of living experienced by my participants, and the direct impact on their lives and home experience. Debbie's concerns about struggling to work in the hospitality sector and live in London also reflect this. Her comments highlight the impact of finances on the home space; her friend had to leave London due to money, not out of choice. As members of Generation Rent¹, my participants were particularly focused on financial concerns. As a group that aspires to homeownership, their ability to afford the cost of living and simultaneously save for a deposit was a key issue:

Yeah, me and [boyfriend] are trying to save for a deposit. Slowly. At this rate we'll be renting forever. I don't want to rent forever! I want to know that the roof over our head is secure, do you get me?

Here, Leigh vocalises the frustrations of Generation Rent¹: she is 'trying to save' but 'slowly', and does not 'want to rent forever', but feels like it is a very real prospect. Generation Rent¹ are a group created out of socio-economic factors, but these factors impact the home more generally. If the home space extends beyond the boundaries of the house, then socio-economic factors within that location directly impact the home experience. The omnipresence of London within the interviews is therefore unsurprising; its politics impacted my participants' homes, but also their identity.

³¹ Moore (2000)

My participants' answers suggest that the interplay between the inner home and that beyond it can be important, but perhaps not to the extent suggested by Hollander. He suggests that in the absence of community, or indeed any of the circles of experience, 'man would be deprived of himself, of his humanity'.³² Debbie views London as a 'beast beyond her door' and yet she still values her home space. She sees her relationship with London as difficult, and this has no doubt had some negative consequence, but not so much as to be detrimental to her humanity. I view the concentric circles as a hierarchy, with the central most circles as the most important to an individual's wellbeing, reminiscent of Maslow's hierarchy.³³ Perhaps if Debbie's relationship with her home space had been as negative as her relationship with the location beyond, the impact would have been more serious. However, other groups or sub-groups may view the interplay between home space and community as more important, such as Mrs Whitehouse in *Whitehouse v Loi Lee*³⁴. Although this may seem to contradict the idea of a universal understanding of home, I do not think it is the case. The home space does have a relationship with that beyond it, and this has a universal application. It is the particulars of that relationship that are more subjective.

This section reaffirms the importance of the physical aspect of home, both in terms of definition and experience. My participants' comments support my analysis of the cross-disciplinary approach; the house (or other variant) is an intrinsic aspect of home, but not sufficient in and of itself. My participants' difficulties in describing home without referring to its physicality or locality is emblematic of the courts' approach. The latter's focus on physicality or 'dwelling-house' as a signifier provided a means to impute home. Likewise, the tangible aspects of home allowed my participants to discuss home more easily; 'place' was important for elements such as shelter and locality, but also for personal expression. The next section returns to the more intangible elements of home.

The Centre of Existence

This section builds upon the idea that home has a physicality, but that it is also something *more* than that. It analyses the feelings and experiences that home provides, as determined by my participants, and how this equates to Dovey's concept of home as the 'secure centre'³⁵, reiterated by Lord Millett in *Uratemp* as a place that a person 'lives and to which he returns and which forms the centre of his existence'³⁶. For home to be the 'centre' that one 'returns' and 'lives' it must have a physical form and location, but to elevate it to the status of 'the centre of [one's] existence' demands something beyond the physical; a relationship, feeling

³² Hollander (1991)

³³ Maslow (1954)

³⁴ *Whitehouse v Loi Lee* [2009] EWCA Civ 375

³⁵ Dovey (1985), p.35

³⁶ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2002] 1 AC 301 at 31

or connection. This relates to Giddens' assessment that home is a place that evokes 'a feeling of ontological security', defined as 'a sense of reliability on persons and things'³⁷. To satisfy these standards, home should provide safety, security, privacy, a sense of identity and act as a haven or refuge, as established by my literature view.³⁸ Family and personal relationships are important, but these are explored separately in the following section. During his interview, Kieran's comments were evocative of Lord Millett's: 'I like being at home. It's the centre of our universe, isn't it? Nowhere else feels like it.' His comments bring together those of Dovey and Giddens. Not only does Kieran directly state that home is 'the centre of [one's] universe', but recognises that 'nowhere else' provides the same feeling, again uniting the physical and emotional elements of home. The fact that he likes 'being at home' unites such elements. To be at home is not just a physical state, but an ontological one.³⁹

Describing the meaning of home, Hailey, stated: 'I suppose it's a feeling you get in a place'. Again, home is recognised as a 'place', but this is relegated as secondary to the 'feeling' it evokes. Elaborating further, Hailey said: 'Like when you walk through the door and there's that [sighs] moment.' The '[sighs] moment' appears to refer to feelings of relaxation or relief, supporting the idea that home should act as a haven or refuge.⁴⁰ Hailey's image of walking through the door echoes Debbie's, and suggests that she does not experience home beyond the house in the manner that Hollander or Heidegger proposed.⁴¹ Aaron offered a description somewhat similar to Hailey's: 'Somewhere that makes me feel safe.' However, the phrasing, and therefore the meaning, is very different. Although home 'makes [him] feel safe', he is not suggesting that home itself is a feeling. Rather, it is the environment that evokes safety. Both participants are describing the same thing: a place and a feeling. To Hailey, home is the feeling established in the place; to Aaron, home is the place that establishes the feeling.

The distinction is interesting, and again relates to the relationship between the tangible and intangible; the physical and emotional. Aaron's comments follow Giddens' belief that home is a place that creates 'a feeling of ontological security', defined as 'a sense of reliability on persons and things'⁴². Callum stated; '[f]or me, [home] signifies safety and...reliability? I can't think of the word. Something that is always there.' Callum's comments also mirror Giddens, but his use of 'always' creates an even higher standard. However, it is unclear whether Callum is focusing on the physical home or the feeling or relationship. A focus on physical reliability is evocative of Dovey's analysis: 'to be at home means to know where you are; it means to inhabit a secure centre and to be oriented in space.'⁴³ His assessment focuses on 'to be', not to experience or to feel; home is a pinpoint in the physical world. And yet the fact it is a 'secure centre' seems to go beyond the physical. To become the 'secure centre' requires a

³⁷ Giddens (1991), p.38

³⁸ See Chapter 2

³⁹ Giddens (1991), p.38

⁴⁰ Moore (2000)

⁴¹ Hollander (1991), Heidegger (1971)

⁴² Giddens (1991), p.38

⁴³ Dovey (1985), p.35

relationship between person and place. Callum's expression that home is '[s]omething that is always there' could refer to the enduring bricks and mortar, or the relationship based on trust or 'sense of reliability'.

Callum also stated:

[Home is a] place to return and relax. I don't think that necessarily means it can only be one place, though. Like, my grandparents' house still feels like home to me, even though I haven't lived there in nearly 10 years.

Again, reliability is emphasised in the idea that home is a 'place to return' and that the relationship may last 'years'. The comment appears to be a blend of Aaron's and Hailey's. Callum believes home is the 'place' rather than the feeling, but he also equates the feeling as something related to relaxation, the '[sighs] moment'. Leave and return are important elements of home; it is a point of orientation that is only necessary because an individual will leave and then return to it.⁴⁴ The return element was a feature of Lord Millett's deliberation in *Uratemp*: it is a place that a person 'lives and to which he returns'⁴⁵. Interestingly, Callum believes home is not one place, or one point of orientation, but multiple; he still experiences home at his grandparent's house. This supports Douglas's argument that home 'is located in space, but it is not necessarily a fixed space'⁴⁶. Home requires a physicality, but that physicality does not limit its scope. Experiencing home in one physical place does not negate the opportunity for experiencing home elsewhere. The concept of multiple homes is particularly relevant in relation to the childhood home, as identified by Graham during the interviews:

For me, my parents' house feels like home because of all the memories I have there. Whereas here I have far less memories, but it still offers me something important. It's my base in all this madness.

The 'base in all this madness' is again reminiscent of Dovey's 'secure centre'. Graham also believes that home can be multi-spatial; there is more than one 'base' that 'offers [him] something important'. Described in relation to 'memories' and as a 'base', home may be conceptualised as more of a connection or relationship than a feeling. Graham later called it as such: 'To most people a house is just a house. It's only to a few people that that house is a home. It's a connection.' But what type of connection, and with what? Graham believed it to be something established over time:

[I] don't think living somewhere makes it home. [...] When I first moved in here it didn't feel like home, even though for all intents and purposes it was my home. It was only after a few months, maybe when routine settled in, that it started to feel...homely.

⁴⁴ Dovey (1985)

⁴⁵ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2002] 1 AC 301 at 31

⁴⁶ Douglas (1991)

Time and occupation relate to tenure, which is explored in the next chapter. Certainly, the longer a tenant lives in a property, the more likely that a strong connection will be formed. However, time alone does not guarantee a connection; rather it is time, coupled with a good relationship or experience. The 'sense of reliability'⁴⁷, and establishing a routine, have a temporal element; Callum described this as knowing home is 'always there'. The home should be a positive space that has some form of physical and temporal stability. The focus on time may risk undermining tenant relationships with a property as they are less likely to stay in one place for a significant length of time, but such an assessment is too simplistic. Not all tenant-property relationships are transient. During her interview, Hailey described her connection as a sense of familiarity. She stated that she felt at home in her current accommodation as it felt 'more familiar' but admitted that it had taken 'a lot of getting used to'. Isabelle stated: 'I think [home] has to fulfil you...in some way.' Asked to elaborate further, Isabelle explained that her parents were 'Londoners' and so she felt like she had 'returned to [her] roots'; whether she would have felt the same way in any other property in London is unclear. Her comments reflect a connection borne out of a relationship far more complex than longevity. It appears that Isabelle equated home with identity. Certainly, a sense of identity with or within a property is likely to have a temporal element. Yet for Isabelle, her sense of identity was not just connected to the home space but related to London and the wider community more broadly.

The significance of previous homes, or a sense of connection or identity, ties in with the choice of quote for this chapter: 'We leave something of ourselves behind when we leave a place, we stay there, even though we go away. And there are things in us that we can find again only by going back there.'⁴⁸ The quote captures the idea of an identity or connection linked with a place that can only be experienced in that place. Although the connotations of leaving something behind appear negative, the part of 'ourselves' that is left may once again be found upon return. The quote is a narrative of reunion not loss, and this is supported by Callum and Isabelle's accounts. Identity is also linked to personal expression. In the home, this may take the form of decoration or choice of belongings. Notably, only Debbie stated that she could decorate her home space to the extent of painting the walls. When asked if they could decorate any part of the house or flat, the other eleven participants responded either 'no' or 'I don't think so'. They could, however, furnish and decorate their rooms in other ways. In his interview, Graham argued that the ability to personalise the home space in some way was important:

I'm no interior designer, but I think dictating the colour of a room and the lighting and what type of furniture – it is important. It gives you a sense of control, doesn't it? Even if you don't really care about stuff like that, having the option...it's good. But having photographs and personalising the space in different ways can be just as effective. Surrounding yourself with

⁴⁷ Giddens (1991), p.38

⁴⁸ Mercier (2009)

your own things makes a space feel like it's a part of you. Or whatever. That you're a part of it.

The link between connection and identity is emphasised: 'personalising the space...makes [it] feel like it's a part of you.' This links to Després' suggestion that the interior design of the home acts as a reflection of the occupant's personality.⁴⁹ Cooper even argued that the home is a symbol of the self.⁵⁰ By expressing his identity, Graham feels such a strong connection to the home space that it he feels 'part of it'. It is interesting that Graham was unsure whether to describe the space as part of him, or whether he was a part of it. The uncertainty appears to relate to the 'place' or 'feeling' debate discussed above. If home is a place, then Graham would be a part of it. If home is a feeling, then it would be a part of him. His 'or whatever' comment suggests that the linguistic problem is immaterial; the connection between him and the property, between the feeling and the place, is the central issue.

And yet, Graham also argues that 'a sense of control' is significant. Identity and control over one's environment relate to Radin's theory of property and personhood.⁵¹ She states that to be a person, an individual must be able to exercise control over resources in their external environment.⁵² The extent of that control is unspecified, and likely subjective, but clearly Graham believed that 'having photographs and personalising the space in different ways can be just as effective' in terms of control. This is significant as all of my participants lived in furnished properties, meaning that they had less choice regarding not only decoration, but furniture too. Historically, furnished tenancies were less protected and often suited short-term tenants, however now there is no legal distinction between them.⁵³ Commenting on personalisation, Hailey said: 'Home's gotta feel like home, hasn't it? I think it has to look the part and play the part. You don't wanna feel like you're living in a hotel'. It is interesting that Hailey believed home should 'look' a certain way, as well as 'feel' a certain way, suggesting that personalisation is as important as the activities that occur within the home space. Perhaps this was a comment on tenure, and that a certain lack of control can make a tenant feel more like a guest than a rightful occupier. However, it must be noted that four of my participants were unphased by their lack of control in terms of personalisation. James plainly stated, 'that's not very important to me'. Some of the participants' responses thereby appeared to contradict Radin's theory of property and personhood.⁵⁴ The demographic of my participants may explain the contradiction; they are young, and the fact that they aspire to homeownership may impact their desire to spend too much time or effort on a 'temporary' home space. Hailey said: 'you don't have to paint or wallpaper to feel like you've had some sort of input.' Five of my participants directly referenced using photographs, posters,

⁴⁹ S. Mallett (2004) quoting Després (1991) p.82

⁵⁰ Cooper (1995), p.60

⁵¹ Radin (1982), p.987

⁵² *Ibid*

⁵³ s.1 Rent Act 1974

⁵⁴ Radin (1982)

memorabilia, lighting and soft furnishings to personalise their surroundings. Isabelle stated: 'I've done up my room in other ways, like with nice sheets and photographs and trinkets. I've got a few fairy lights up too.'

Identity and control were also important to Elle:

[...] I think a lot of things that I like about home are important – it's, like, a package thing. It's safe, quiet and my me-space. Sorry, that's not very well worded, is it? Home is so hard to explain but it's so important isn't it?

Elle described her home as her 'me-space', suggesting it belongs to her or represents her, or both. Although she was somewhat embarrassed by her inability to describe why home was important to her, I think her choice of terminology is insightful. Hailey stated it was a place for 'me-time' and to be her 'real' self. She elaborated further:

I don't have to be like the best version of me like you do at work or whatever – I can just be me. [...] I'm not saying you can't be the real you anywhere else, because of course you can. But I think it's a place that's safe and gives you the confidence to relax and let those walls down.

The home is a place that is, and should be, about 'me'. Home is the centre of an individual's existence⁵⁵, and my participants' use of 'me-space' and 'me-time' certainly support that idea. The use of 'me' evokes the sense of belonging in the home space. The 'belonging' may be reciprocal in that the individual feels a sense of belonging at home, and the home may also belong to the individual. This need not equate to ownership in the legal sense, but in terms of a feeling. Certainly, my participants used the word 'mine' frequently.⁵⁶ Hailey's phrase 'let those walls down' seemed to be in the context of relaxing and being her 'real' self, but it is interesting that she chose that particular analogy. As discussed above, the 'walls' are an important part of the home space; they provide the physical dimension that allows for safety, security and privacy. It is only within the walls of her home that she feels the 'confidence' to let her inner walls down. To be at home is to be vulnerable.

I think this sense of vulnerability is apparent by Elle's embarrassment at using the term 'me-space' in the interview. My participants were discussing personal feelings in a very personal environment; I think her embarrassment was not entirely due to her use of 'me-space', but how personal the term was, and the deep and private connection she was attempting to explain. The theme of connection was prevalent in the interviews and in my reading for my literature review⁵⁷, but I think it is interesting that the academic approach failed to reveal the importance of vulnerability, and how this relates to the deep connection to home and the safe environment it should provide. It is perhaps paradoxical that only a truly safe home, in the physical and emotional sense, allows for the truest vulnerability on the part of the

⁵⁵ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2002] 1 AC 301 at 31

⁵⁶ Discussed in Chapter 7

⁵⁷ See Chapter 2

occupants. It is a place to 'let those walls down', but only in optimum conditions, and any intrusion could be extremely damaging. Intrusion may manifest as a physical visitor, but also as a disruption in the relationship with the home space in the form of eviction.

It is interesting that Elle recognised the home as a 'package thing', a description that complements the idea of home as the 'centre of existence'⁵⁸. Many components of home, such as safety and security, overlap either thematically or in practise: Callum stated that he valued a place where he could 'de-stress', which he described as 'a safe, quiet, secure environment'. The fact that home provided a place for him to 'switch off, recharge' was the most important aspect to him, but he recognised that certain conditions had to be in effect for that to be the case; it needed to be 'safe, quiet, secure' simultaneously, not safe *or* quiet *or* secure. Another important aspect of the 'package' of home are the personal relationships that exist within it, which is explored in the next section.

Personal Relationships

It has already been established that items such as photographs and trinkets relate to identity in terms of personalisation and memories. For my participants, memories of the home space were commonly connected to the family or parental home. Graham argued that his parents' house feels 'like home because of all the memories'. Although he no longer lives there, the memories of doing so have forged a connection so strong that he still experiences home when he visits. Callum said that his grandparents' house still feels like home to him, even though he has not lived there in nearly 10 years. Significantly, both their memories possessed a family connection. Although my participants largely recognised home as a subjective experience, they also recognised that the link between home and family was commonplace. Hailey said: 'I think [home] means family to a lot of people.' To speak so confidently for others suggests that Hailey has had numerous experiences that reaffirm her understanding; indeed, I think it is fair to recognise the societal link between home and family. Madigan et al argue that Western propaganda has encouraged a society built on nuclear families in their own homes.⁵⁹ Family was a central theme in the interviews and for some of my participants, the terms 'family' and 'home' were portrayed as almost synonymous. Debbie stated: 'I think of home I think of family'. During my literature review, I discovered that some academics argue that the two terms are interchangeable.⁶⁰ Gilman stated that a home without a family is 'only a house'⁶¹. Home is a concept introduced in childhood; as family is so central to the childhood experience it is unsurprising that home and family are viewed as linked.

⁵⁸ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2002] 1 AC 301 at 31

⁵⁹ Madigan, Munro & Smith (1990)

⁶⁰ Crow (1989)

⁶¹ Gilman (1980)

Connections are often borne out of, or reinforced, by nostalgia. Out of the twelve participants, two referenced nostalgia directly. According to Graham:

For me, when I think of home, it brings up memories of my childhood. Sitting in duvets in the living room in the middle of the day watching Disney films. I think home is nostalgic.

Leigh described similar feelings and experiences:

I think my experience of home has been quite sheltered. My parents are solid – we’ve never had any massive dramas. Me and my sister are really close. I have 3 cats. We have a big garden, and we grow our own veg and have chickens, and everything. I know we’re lucky. There’s nowhere on Earth I’d rather be than in my garden with my family, maybe having a cheeky Pimm’s. Or maybe snuggled up in a big jumper at Christmas time, with my cats on my lap, watching cheesy films with Dan. That’s home – that feeling. It’s quite nostalgic, for me.

Although Leigh is describing home as a ‘feeling’, I think her rhetoric suggests otherwise. The feeling she is describing is the sense of nostalgia from her childhood – not home itself. If home was the nostalgic feeling, then home could only ever be understood in the past tense. Rather, home is her connection to her family and the experiences she has shared with them. Of course, her confusion is understandable; perhaps the nostalgia is so powerful because it emulates feelings evoked in the home space. Mallett argues that ‘discussion on the ideal home generally focuses on nostalgic or romantic notions of home’⁶². Nostalgia of home is therefore doubly powerful, and no doubt strengthens the links between childhood, family and home. For my participants, it also strengthens their aspirations of homeownership. As they experienced their childhood home in an owned home, their feelings of nostalgia are built upon the tenure of homeownership. Although many of their positive memories may not be inherently linked to tenure, aspirations to re-experience good memories are predicated on repetition. For my participants, this includes the repetition of homeownership; it also means that their own children can have similar childhood home experiences. The notion highlights the cyclical nature of nostalgia and how it relates to home, family and homeownership; Generation Rent¹ have become detached from that loop, and this creates feelings of frustrations and even dissatisfaction with their tenant homes.⁶³

To describe the meaning of home to be ‘family’ is therefore an example of describing home as a connection. It is also potentially alienating, as many individuals do not live with family. If family is absent, it may therefore have a negative impact on the home space. Fahim said: ‘I do not have family in this place, but in Birmingham – it is family. That is home.’ However, the notion that family equates with home did not apply to all my participants. Seven of my participants stated that they did feel at home in their current properties, and none of them lived with family. ‘Family’ is often a term reserved for the most important people in an

⁶² Mallett (2004)

⁶³ McKee & Soaita (2018)

individual's life, but they need not be connected in a manner recognised by biology or law.⁶⁴ Kieran stated it was most important to 'be surrounded by loved ones, whether family or friends'. Deep and fulfilling relationships within the home space are important⁶⁵, but not essential. There are many different types of households, including individuals that live alone. According to the ONS, in 2017, there were 3.9 million people living alone aged 16 to 64 years.⁶⁶ Those individuals may still value friends and family, but their home is no less a home simply because they do not live together. This supports my previous analysis on household in Chapter 2 and the indicators in *Barnes*⁶⁷.

Some of my participants found that the presence of family elsewhere complicated their idea of home. Asked if she felt at home in the property, Elle responded:

Oh, that's a hard one. I *love* London. Like, *love* it. But...it's not Brighton. My boyfriend isn't here, or my mum, or my cat, or my best mates. But also, yeah it is home. For me. For just me. Even though my family is somewhere else, it doesn't make this place any less important to me. I like my job, and my friends here. I have a good social life now, which for me is like a massive deal. I'm sort of making it on my own, trying out the whole independent thing, and I actually like it. And like I said, I do like this house. It does feel a part of who I am here. I guess to me London and this house is like a separate sphere to Brighton and my family...but it's not less, right? It's not worse. But that doesn't mean I love my family any less. Gah, I don't know how to explain it.

Elle's uncertainty appears to be borne out her inability to accept that home can exist in more than one place. She is hesitant to describe her current residence as home and thereby undermine her relationship with her childhood home. It has already been established that home may be multi-spatial, and fulfil different needs.⁶⁸ However, it is important to recognise that not everyone may feel comfortable viewing home in this manner. Elle no doubt experiences home in both places, but that does not necessarily make articulating such experiences easy. Rather, it reflects the difficulty of defining and describing home in general. Her thoughts also reveal that while family may be the most important aspect to some individuals, the absence of family need not indicate the absence of home. Perhaps this reveals something important about the relationship between home and family overall. Elle viewed family as the most important aspect of her *childhood home*, but not her current home; the two serve different purposes and thus have different requirements. Perhaps family is synonymous with the childhood home, but not with home more generally. Such a perspective

⁶⁴ Ellickson (2010), p.128

⁶⁵ *Ibid*

⁶⁶ Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2017> [accessed March 2019]

⁶⁷ *Barnes v Sheffield City Council* (1995) 27 H.L.R. 719; [1995] N.P.C. 87

⁶⁸ Douglas (1991)

acknowledges all forms of home and household, rather than excluding single-person households or other variations.

In relation to family and personal relationships, Kieran believes having a pet is akin to the meaning of home:

I would go back to my parents if I needed that sort of support, and their home still feels like my home. I think that's natural – most people get that. Can home be a person? Maybe. Maybe the person is part of what makes a building a home. Or your pet. I miss my dog, Jerry, so, so much. Whenever I go back home and see him, that's the feeling of home. When your dog greets you. I think that's the best explanation I can give.

Kieran is unable to have a pet, and so the absence of his dog greeting him suggests an absence of home. However, he also debates whether home can 'be a person', inferring that the feeling of home to him is actually some form of love or affection within the home space. Both a dog's greeting and parental support are forms of compassion, which Kieran appears to equate with home. This is further supported by the idea of home being the 'safest place in the world'; it is a safe place because only loved ones inhabit it.

Although family and personal relationships are important, they can impact home as a private or haven-like place. Elle said:

Like I said, [home is] somewhere that's for you. No one else can intrude on it or give you a reason to be on edge. You can just [sighs]. Relax. I suffer with quite bad anxiety so I really need somewhere that feels safe and where I can switch off. My mind is always going like 100 miles an hour out there [waves towards the door] so it's nice to have a place to de-stress and let go of all the pressure and everything.

Moore points out that home is often depicted as a haven or refuge, which complements Elle's experience.⁶⁹ Elle believes home should be 'just...for you' and a place where '[n]o one else can intrude'. The use of the word 'intrude' establishes that the home is naturally private and separate; others are intruders, not natural occupiers. It is unclear whether Elle felt that all others, including family and intimate relationships, could be considered intruders. Intruding relates to trespassing, which is a legal term; however, Elle's comments do not seem to be legalistic. Rather, they suggest a level of privacy unachievable in a shared environment. To Elle, perhaps home cannot be a shared space, or vice versa. Not every participant viewed sharing negatively. Hailey said:

I've only been here a year, but it still feels like my home [...]. And [names] are like my new family now, so maybe that is part of it. Maybe this only feels like home because I have such a good relationship with my housemates.

⁶⁹ Moore (2000)

Hailey's comments reveal that relationships are central to her experience of home, but that they need not be biological. Her housemates have become her 'new family' due to their close connection. Isabelle also viewed biology as immaterial: 'Don't get me wrong, the guys do my head in. So much. But they're like my brothers now. Brothers are supposed to be annoying.' She finds her housemates to be annoying but describes this as almost part-and-parcel of living with others. The importance of relationships within the home space was well summarised by Kieran:

I like being at home. It's the centre of our universe, isn't it? Nowhere else feels like it. It has so many parts to it. I think it's important who lives with you, and whether you get along. That can make a big difference as to whether you like being at home or not. And that's so important – you need to like being at home. It's your place. At my last place I didn't get along with my roommate, and it made it so awkward. Here, I like everyone that I live with. And that brings other things with it. You feel safer if you live with people you trust. And life tends to be more enjoyable overall, because we do stuff together and don't mind sharing each other's company. I haven't felt this way since living at home-home.

Kieran calls upon many aspects of home discussed in this chapter. Primarily, he perceives home as a connection, as 'the centre of our universe'; the compass needles connecting, and separating, the individual to everything else. Again, this evokes Dovey's idea that home is the 'secure centre'⁷⁰. Kieran describes home as unique and multifaceted. He recognises the importance of relationships within the home space; they 'make a big difference', and correlate with the home relationship itself. Kieran's comments also highlight two other big topics in relationship to the home space: ownership ('It's your place') and temporality ('home-home'). These topics are discussed in greater detail in the next chapter.

Revisiting the Scope of Home

The scholarship in my literature review⁷¹ recognised home as a subjective experience, and my participants' responses certainly reflected this. The replies were varied and personal. Some articulated home as a feeling or experience; some described it as a connection. From a socio-legal perspective, the idea that home is a connection is particularly interesting; it highlights the relationship between home and tenure. The next chapter examines that relationship in more detail, with a focus on control, sharing and security of tenure. This chapter has been divided into three sections that focused on the physicality of home, home as the centre of existence and the importance of personal relationships. Many of these elements overlap or pertain to connected sub-themes; for example, the physical location and the idea of a 'secure' centre. Relationships are dependent on privacy and require a physical location for meetings

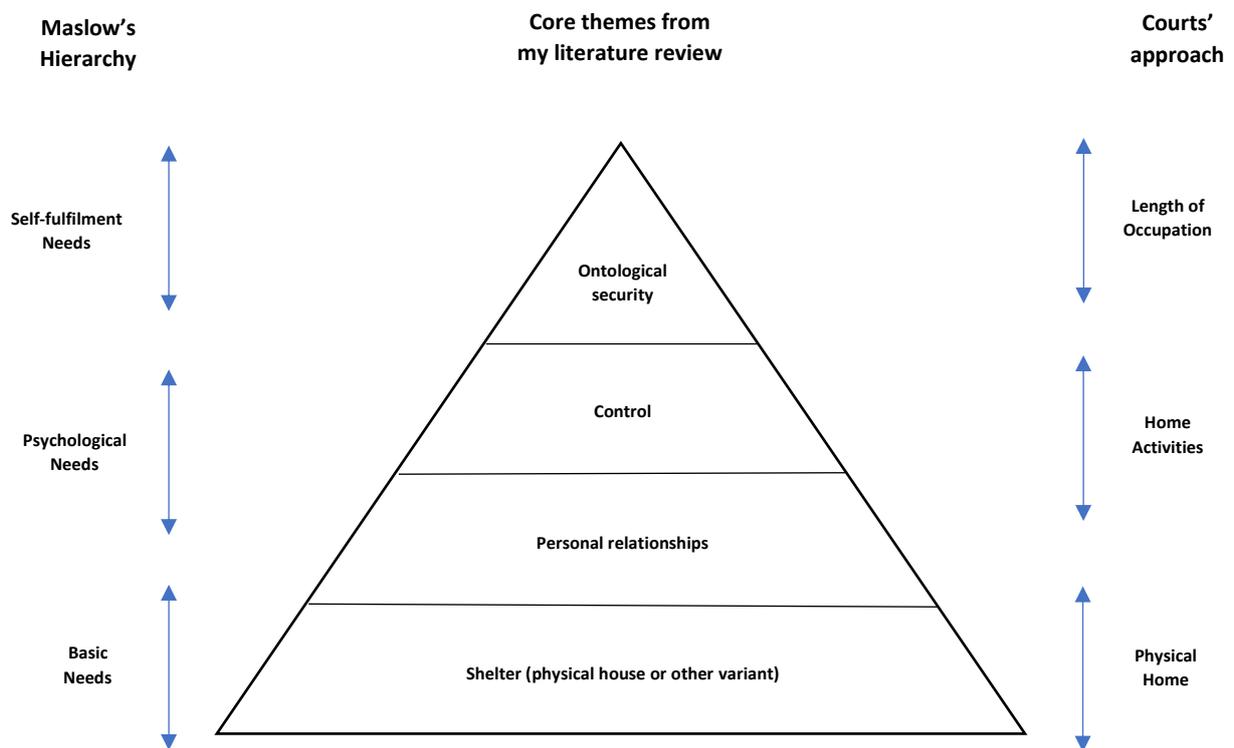
⁷⁰ Dovey (1985), p.35

⁷¹ See Chapter 2

and interactions. The sections were chosen as larger core themes that reflected the overall perspectives of my participants; they act as an amalgamation of my core themes of home and the findings from my case law analysis. The repetition of themes suggests that although home is a subjective experience, it does comprise of certain recognisable, core elements. It is not an obscure, indefinable concept.

Using my findings in the ‘Conceptualising Home’ section, I designed the following diagram:

Figure 8.1: Home’s Hierarchy of Needs (final)



Source: M. Matthewman (author)

Overall, my empirical investigation demonstrates the resemblance between the cross-disciplinary and legal conceptualisations of home, and the experiences of individuals. The physical home or shelter is common in all three perceptions. Personal relationships are also common to all three, although these are categorised within the signifier of ‘home activities’ in my case law analysis. In this chapter, ‘The Centre of Existence’ relates to my core themes of control and ontological security. In Chapter 5, I suggested that the courts often use length of occupation as a documentable signifier of these themes of home. For my participants, this is problematic. Some have only lived in their properties for as little as 3 months; this is not a long-term occupation but does not weaken their connections to their homes. Contemporary

PRS tenants have very little security of tenure, and so they are unlikely to have long-term occupation. The use of s.21 eviction notices also mean that courts are unable to consider 'home stories'⁷² and further undermines the importance of length of occupation. The legal concept of home may be reflective of cross-disciplinary and individual experiences, but contemporary legislation stifles its application.⁷³

Significantly, my empirical research highlights some aspects of home that were underrepresented in the academic scholarship. In particular, the importance of nostalgia and the sense of vulnerability within the home space were seen to be important elements of understanding or experiencing home. Moreover, my findings revealed that the perceptions of my participants in relation to home were much more in line with protected tenancies under the Rent Act 1977 than ASTs under the Housing Act 1988. This is despite the fact that my participants held ASTs; one might expect that their experiences as tenants would impact their understanding of home. In reality, my participants' expectations and experiences of home had already been tailored by their childhood and/or parental home, all of which were owner-occupied. They had been raised perceiving home as an owned home, with all the benefits ownership guaranteed, including control, personalisation, security of tenure and even the presence of family. Not all owned homes house families, but as their only experience of an owned home was their childhood home, there was a connection between ownership and family. My findings therefore also revealed an important attitude towards family and home. The childhood home is the introductory experience; it imposes certain expectations, particularly in relation to family, that may later lead to a sense of unfamiliarity in other home spaces. Family and the childhood home are inherently linked, but that does not mean that other, later home spaces that lack family are any less a home. It is therefore important to distinguish between the childhood home and any other variations of home that follow. Framing home as multi-spatial and temporal allows for a new understanding of the relationship between family and home, and the concept overall.⁷⁴

My participants' relationships with their home spaces were certainly influenced by their identity as members of Generation Rent¹. Their aspirations of homeownership impacted their perceptions of home and their feelings towards their current home space. In some cases, my participants' aspirations effectively relegated their current home space to act as a mere interlude; a stepping-stone towards their final destination. I believe some of my participants did not even consider their current home to be a home. Further, others appeared to feel less critical towards their tenant home space, simply because of its temporary nature; they did not compare it to the same yardstick as their imagined, future, owned home.⁷⁵ These issues of aspirations, security of tenure and the influence of the childhood home are especially important to this group. However, I do not think that my participants' identity means that

⁷² Bright (2010)

⁷³ i.e. The Housing Act 1988

⁷⁴ See Chapter 7

⁷⁵ For more on this, see the next chapter

my findings are exclusive to their perspectives and experiences. The fact that there are identifiable core themes of home across the scholarship, case law and individual experiences suggest that home has universal connotations, and this applies to individuals beyond my research participants. However, my participants reveal that PRS tenants experience a limited version of home, and this means that they fail to engage with homemaking and unmaking practices. The next chapter addresses this issue in more detail, with a focus on security of tenure.

7. Home, Space and Time

‘Home’s where you go when you run out of homes.’¹

~ John le Carré

Understanding of Legal Issues

This chapter builds upon the analysis in the previous chapter and continues to address my second research question: ‘What are the home experiences of Generation Rent¹, and how far are these shaped by their ASTs under the Housing Act 1988?’ This chapter focuses on the second half of the question and explores how ASTs impact the home experience, as determined by my participants. In this manner, it explores themes including control, sharing and ownership. In structuring my interviews, I was careful to avoid legal terminology in the first section, and then slowly introduce terms such as ‘tenant’ and ‘landlord’ as the interview progresses. By the end of the interviews, I directly asked my participants questions involving law, such as: ‘Do you feel well-protected by law?’ For my interview question prompts, please see Appendix 6. I was interested to see how my participants conceptualise and experience home, free of any influential parameters such as a legal framework. If my participants raised legal issues without prompting, it suggests that it does impact their home experience, and in a manner that they are conscious of. The structure of my interviews helps to reveal how well-informed my participants are regarding their rights and responsibilities as tenants. Their level of knowledge was discernible from the beginning of the interviews, and later clarified by questions such as: ‘Do you feel that you are well-informed regarding your rights as a tenant?’

Allowing my participants to raise legal issues in their own time creates a better space for them to explain and describe their home experiences in greater detail and borrows from the idea of legal consciousness.² Silbey describes the latter as a process ‘used to name analytically the understandings and meanings of law circulating in social relations’³. It also provides the opportunity for my participants to discuss other aspects that I may not have initially considered, such as the importance of time and the temporalities of home (see below). As members of Generation Rent¹, my participants’ identities are socially, legally and politically generated. Tenants are defined by the legal agreement they share with their landlord; there is no doubt that ‘law invisibly suffuses [their] everyday life’⁴. Here, law is understood as ‘the

¹ J. le Carré (1977) *The Honourable Schoolboy* (London: Hodder & Stoughton)

² See Chapter 4 for more on this

³ Silbey (2008), p.2

⁴ *Ibid*, p.3

meanings, sources, authority and cultural practices that are commonly recognised as legal, regardless of who employs them or for what ends'⁵. None of my participants referenced 'law' directly without prompt, but they frequently used the term 'tenant' in describing themselves, reflecting a relationship between law and identity. My participants self-identified as tenants, as a noun not an adjective. According to Callum: 'Being a tenant in your 30s feels like failing at life.' By using '[b]eing', he recognises his tenure as an identity; a legal concept has become intrinsically related to his personhood. However, here it is characterised as an identity with a time limit. As Callum is a tenant nearing his '30s', he feels like he is 'failing at life'. His reference to age places 'being a tenant' in a category similar to being a child or being a teenager; it is an acceptable stage of life, but something to outgrow and move on from.

Interestingly, Callum's assessment corresponds well with the 'typical' image of members of Generation Rent¹. Such individuals are usually in their twenties, although some academics argue that the socio-economic group has expanded in scope in recent years.⁶ It is problematic that some individuals may feel that they are 'failing at life' simply because they do not own their home by a certain age. Significantly, being a tenant is not just a legally created identity, but also one that is visible to society. Callum's feeling of 'failing' is not just based on his own opinions, but those of his peers. His perspective has been crafted by sociological and political influences⁷; this, coupled with the visibility of his tenure, forms feelings of shame. No one has told Callum that he is 'failing at life'; it is his interpretation of society's expectations. Graham's comments provide similar insights:

I do actually like being a tenant, up to a point. There are good things and bad things about it. [...] But I think for a lot of people, renting is a means to an end. Especially people our age. 20-somethings rent while trying to save for a mortgage, so that they can eventually buy their own home. Of course, no one tells you how hard that really is. Or seems to understand how hard it is. My parents don't understand how I haven't saved a decent deposit yet. They must think I'm pissing it away on beer or something. I'm not, well not all of it. Life is just so damn expensive, especially in London. It's not easy to save when 70% of your earnings go on rent alone. So here I am, in my mid-to-late-20s, with still no real prospect of moving on anytime soon. And that sort of mentality can start to impact...how did you call it? The home experience. Yeah. How can you enjoy something if it starts to feel like it's not enough? Or if you start to feel like it's the reason you're not moving forward? I can see why people get stuck in renting. It's a vicious circle.

Again, 'being a tenant' is part of one's identity and linked with a stage of life, reflecting the deeply embedded connection between tenure and identity and thereby law and identity. The fact that Graham is in his 'mid-to-late 20s, with still no real prospect of moving on' suggests he is nearing the expiry date of that stage in his life, complementing Callum's assessment that renting should end before entering one's 30s. Like Callum, Graham is conscious of outsider's

⁵ P. Ewick & S. Silbey (1998), *The Common Place of Law: Stories from Everyday Life* (Chicago: University of Chicago Press) p. 22

⁶ McKee, Soaita & Munro (2019)

⁷ McKee & Soaita (2018)

opinions. He directly mentions his parents and his statement, '20-somethings rent while trying to save for a mortgage' is phrased as if it is something commonly understood, rather than an opinion. However, Graham seems to recognise a disjoint from societal pressure and reality. His parents do not 'understand' his financial and housing situation despite the fact '70% of [his] earnings [are spent] on rent alone'. Graham recognises the expectations but acknowledges them as 'not easy' to achieve. He also uses similar terms to Callum with 'moving on' and 'moving forward', again suggesting that renting is not a permanent housing situation. To stay in renting is to be 'stuck'. It is not a choice made willingly but 'a means to an end'.

Graham is thereby criticising the political and legal system that has created his situation and his identity as a member of Generation Rent¹. Allusion to 'rent' and the cost of living in London are a common trope in the interviews. To repeat Aaron: 'You need to be willing to sell organs just to afford your weekly food shop.' Although this is no doubt an exaggeration, expressing concern by hyperbole reflects the impact it is having on individual lives. Criticising rent and living costs is a critique on law and related policies, albeit not in express terms. Callum stated:

I totally get the problems of Generation Rent or whatever. Renting feels like a trap that is so hard to climb out of. How can you save for a £20,000+ deposit when you're paying half a grand a month in rent? It's broken.

Again, renting is as a 'trap' to 'climb out of' rather than a viable life choice. More interesting still is Callum's simple statement: 'It's broken'. What is broken? Judging by his comments on savings and the cost of rent, it appears he is making a general critique on renting, and perhaps societal expectations more broadly. This is made clearer by his prior reference to 'Generation Rent', understood here as a socially and politically created group. Callum is advocating for change in legislation. To say something is 'broken' is to say it needs fixing, and the cost of rent and Generation Rent¹ are legal constructs. His critique appears financially centered, but it is too difficult to ascertain exactly what Callum would change, other than perhaps the cost of rent. His comments are evocative of the white paper, 'Fixing our broken housing market'⁸ which was widely covered by the media.⁹ Hailey says that London is 'super expensive but [she would] rather not have to commute in from another city.' There are 'good things and bad things' (Graham) about renting in London, and the cost is clearly identified as a negative. My participants did acknowledge benefits of living in London, their properties and rental accommodation in general.¹⁰ Still, I would argue that their indirect critiques on law and politics more broadly is reflective of broader societal opinions. My participants are not legal experts but are influenced by, and contribute to, a greater legal consciousness. The socio-

⁸ Available at: <https://www.gov.uk/government/publications/fixing-our-broken-housing-market> [accessed September 2019]

⁹ See, for example: <https://www.theguardian.com/business/2017/feb/07/housing-market-government-white-paper-sajid-javid> [accessed September 2019]

¹⁰ This was explored in the previous chapter

legal (and yet self-determined) label 'Generation Rent' suggests a deeper connection to that consciousness. Nonetheless, their relationships with legislation and case law, and even their landlords, is limited.

My empirical investigation shows that five of my participants did not know their landlord; they had never even met. Only one participant characterised their relationship as 'good'. Largely, their relationships are not bad; they are non-existent. Five of my participants used estate agents and so they did not need to contact their landlord at all. All twelve of my participants answered 'no' or a variation thereof in response to, 'Do you see your landlord often?' Seven of my participants did not know how many properties their landlord owned. Despite the lacking landlord-tenant relationships, every participant felt confident about contacting their landlord or agency regarding any issues, including repairs. Repairs had only been an issue for two of my participants, and both had their problems sorted 'pretty quickly' (Callum and Kieran). The rest had no reason to believe that they would encounter any difficulties. Their confidence is somewhat at odds with their relationships, and their knowledge of their tenancies. Seven of my participants did not know what type of tenancy they have and only three participants knew what an 'HMO' is. Three of my participants did not even know who their local council is. Further, in response to the question, 'Do you feel that you are well-informed regarding your rights as a tenant?', nine responded negatively. Kieran stated: 'I suppose not. Do we get many rights?' Aaron felt similarly ill-equipped: 'I have a background in law, but even I don't feel fully informed.' Those that felt somewhat knowledgeable did not feel empowered by the information:

I feel I know more than most people do, because I've been in the game a while. But experience has taught me it doesn't really matter. The landlord is king.

[...] I think I could find all the information if I needed it. Not that I would probably bother – I've not looked into my rights before. Sometimes the battle just isn't worth the effort when you're a tenant.

Both Callum and Debbie respectively identify a hierarchy that places the landlord as 'king' above the tenant. For the latter, 'the battle' is not deemed to be 'worth the effort' due to the imbalance of power. Debbie's choice of 'battle' reflects the struggle of being a tenant within the PRS. Callum refers to it as a 'game' not worth playing. Compared to 'battle', 'game' appears to trivialise the struggle; however, the term, coupled with his sense of indifference, strengthens the criticism. In effect, he is claiming that a modern legal system would not treat individuals in the same manner as PRS tenants are treated, and so he classifies their situation as unreal; a game; a joke. Their comments highlight the disconnect between landlord and tenant. This is problematic as a landlord is the gatekeeper to a tenant's home. If a landlord does not know their tenants, they are less likely to feel empathetic towards them; accordingly, the consequences of eviction do not seem as real and becomes more likely. Serving a s.21

eviction notice does not require a reason.¹¹ This, coupled with a lack of landlord-tenant relationship, makes evicting tenants arguably too easy. As per Aaron: 'Um, not sure [how long I'll stay here]. Depends, really, doesn't it? Might get kicked out, but hopefully a couple of years. Then I might find somewhere else anyway.' Aaron identifies the problem of his tenure; as a tenant, he is not fully in control of his ability to stay in the property. He wants to stay in the property for 'a couple of years' but recognises he may 'get kicked out' before that time. The contradiction between his ideal situation and his reality emphasises the problem of security of tenure.

As stated previously, security of tenure relates to the guarantee a tenant has to stay in a property.¹² Often the guarantee is restricted and may even be on a rolling month-to-month basis. Aaron is aware of his limited security; his comments reflect an impassive attitude, an almost unemotional acceptance that is at odds with the situation. Eviction from a home, the so-called 'centre of existence'¹³, should not be met with indifference. Aaron may have been playing down his feelings towards eviction or feel blasé due to the fact it is not an imminent threat. Interestingly, when asked the question regarding eviction, none of my participants said that they would dispute or fight the action in any way. Fahim simply stated, '[t]hen I would go', again with lacking emotion and little regard for the lost home space. Callum is similarly dispassionate: 'I know the drill. There's no point fighting it. I'd just find somewhere else. It can be a pain, but I have a few mates nearby now, so I wouldn't be homeless [...].'

The indifferent attitudes are not reflective of their feelings towards their home spaces, but an understanding of their limited rights as tenants. The question, 'How long do you anticipate living here?' was near the beginning of the interviews, prior to any legal prompting on my part. Still, my participants understood their lack of security, with comments such as 'it depends' (Aaron) and 'I don't know' (Debbie). Asking the same question of homeowners is unlikely to result in such a level of uncertainty. My participants realise that they lack the most basic control of their home spaces; the ability to determine how long they live there. They lack a 'secure centre'¹⁴. If a sense of safety and ontological security is so important to the home space, what does this say about individuals with limited security of tenure? Logically, it suggests that there is no such thing as an insecure home, and thereby no PRS home space. Yet my empirical data suggests otherwise. There is little doubt that my participants experience home albeit within a legal framework that makes it difficult. Their consciousness of that framework, and their identities, appears to challenge the home space. Still, the interviews suggest they not only understand home in a manner consistent with academic opinion, but they experience it too.

¹¹ s.21 Housing Act 1988

¹² See Chapter 3

¹³ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43, [2002] 1 AC 301, para 31

¹⁴ Dovey (1985), p.35

In this regard, I asked my participants: 'Do you feel homeowners are better protected than tenants?' The answers are perhaps unsurprising. All twelve participants believe that homeowners have better protection than tenants, but there is some disagreement as to whether this should be the case. As per Graham:

Of course they are. But...shouldn't they be? If I buy a house I expect the laws of the land to respect and protect that purchase. It's a big deal. It's the biggest thing any of us will buy in our lifetime, and arguably the most important. I wish tenants had more rights, but at the end of the day we don't own the homes we live in. We don't have to pay for everything that goes wrong. Well, sometimes we do...but still. The rights are less but I guess the responsibilities are less too.

James felt conflicted:

Protected? Yes. Homeowners can't just get kicked out of their home for no reason. It's wrong that, like, families with children live in rental properties, and have no right to stay, just because the landlord might change their mind. But, I mean, it does belong to them...it's complicated, isn't it?

My participants' responses place great importance in legal ownership, and the sense of control that that ownership provides: 'They have more power. The home is theirs, no one else's' (Fahim). But there is still a sense of criticism, particularly if children are involved. As per Callum:

Yes, but I think that is how it should be. Maybe not as unbalanced as it currently is, but homeowners should have more autonomy. But then again if kids are involved, maybe there should be better protection for tenants. I don't know, it just seems wrong that a landlord can kick families out.

The idea of law being 'unbalanced' dominates the parts of the interviews that actively discuss it. Debbie says: '[homeowners] have so much more control than we do. And I guess that makes sense, but it doesn't mean that it's fair.' Debbie's description is perhaps the most insightful and comprehensive. She recognises that law is logical in placing homeowners 'at the top of their food chain' but that a logical system is not always a fair system. This is especially the case for the most vulnerable, identified here as children. Both Callum and James believe that families should be better protected in the PRS. Their comments suggest there should be safeguards for more vulnerable members of the PRS community, albeit indirectly. Again, the responses suggest a legal consciousness; a presumption that law should be logical but with certain safeguards that ensure fairness. The interviews suggest that my participants do not dispute that homeowners should have greater benefits, but that there is scope to adjust the imbalance without going too far. As members of Generation Rent¹, I believe my participants were less critical of the imbalance between homeowners and tenants than other groups. This again relates to their identities; they aspire to homeownership, and their aspirations are based on certain expectations. They do not want to sabotage their own visions of homeownership. Elle even says, 'Isn't that why everyone wants to be one?' It would

be interesting to see whether other PRS groups feel similarly about the need for a distinction between homeowners and tenants.

My participants did not wholly understand their rights and responsibilities in the legal sense or have any knowledge of the legislation that governs their tenancies. Instead, their understanding of law exists more on a cultural level. This reflects how law is both part of social life and separate to it. Society and law may operate as co-constitutive¹⁵ but culturally my interviews suggest that law is viewed as something separate from everyday life. My participants have some knowledge of how law operates but they do not fully understand it, or indeed feel the need to fully understand it. The next sections look at other related themes in more detail.

Control and Freedom of Choice

The above section reveals a complex mix of understandings in relation to different legal issues. My participants are largely uninformed regarding their rights and responsibilities, but they do not feel inspired to educate themselves. This appears to be the result of a negative legal consciousness surrounding the tenant home space; the landlord is 'king' and there is little point disputing their authority. They believe that homeowners should have greater autonomy over their home spaces than tenants, although there is a consensus that the imbalance could be adjusted slightly. Consequently, control and security of tenure are dominant themes in the interviews. This section explores these themes in greater detail. Radin's theory suggests that individuals need to exert power over their surroundings in order to establish personhood.¹⁶ This appears problematic for PRS tenants. While my participants' responses suggest that control is important in the home space, it can take many forms. Tenants may ultimately be subject to landlord authority, but that does not relegate them to powerlessness. They may still undertake different homemaking practices, albeit less extensive than their homeowner counterparts.

In the interviews, I asked, 'Do you like being a tenant? Does renting suit your lifestyle?' Callum replied:

Up until recently, yeah. There's nothing wrong with being a tenant if it's what you want. It's the feeling of being trapped that makes it awful. Your home is a big part of your life, and you should feel like it's your choice, right?

Callum states that there is 'nothing wrong with being a tenant' if it is a 'choice'. The problem for my participants, as members of Generation Rent¹, is that renting is often not a choice, or at least not a long-term choice. Callum has started to feel 'trapped' in his home but only

¹⁵ Cotterrell (2006), p.25

¹⁶ Radin (1982)

'recently'; this appears to be linked with his inability to move into homeownership rather than a comment on the control he has in his home space. This is explored in more detail in relation to temporality, below. However, choice does not only link to length of occupation. Asked what the most important aspect of home was to her, Isabelle stated:

Definitely control. I think that must be the same for most people. Being able to invite people into your home, rather than them being there...and just, being able to do what you want. Freedom. I'm not saying I want to throw big parties or anything, but I should have the choice to do that if I want to. If you're not free in your own home, you're not free anywhere. It's sad really isn't it? A lot of people are trapped in places they don't want to be, or live on the streets, or still with parents...and it's like you can't be yourself. You can't have what you want. [...] So, yeah – control. I think if you're in control of your surroundings, everything falls into place. **[Would your life change a lot if you were more in control of your home?]** Probably not. Not really. But I think it would feel different.

Isabelle believes the home should be a 'choice' and a place to be 'free'. She also believes that control and identity are interrelated. She places importance in the ability to 'control [her] surroundings', which is evocative of Radin's theory of property and personhood.¹⁷ It is also evocative of certain homemaking practices, such as the placement and re-arranging of possessions within the home space.¹⁸ Homeowners may have greater capacity for homemaking acts, but tenants are not excluded from the practice. The interviews identify control as an important aspect of home, albeit not always in express terms. Very few of my participants discuss 'control' directly; the term features 17 times across all 12 interviews. Still, control relates to all aspects of the home space. Aaron said:

For me, I think the sense of control is important. Here [gestures around] doesn't quite have that feeling. I can't just throw a mad party or throw paint around or get a cat. Or a dog. I'm a dog person really [laughing] I guess I could get a fish. That's not as exciting though, is it?

My participant identifies control as 'important' in the home space, but then proceeds to explain why 'here' does not allow for that 'sense of control'. He cannot throw a party, paint the flat or have a pet. Although my participant laughs during this portion of the interview, the fact that he identifies as 'a dog person' emphasises the importance of the issue. He believes having a dog is part of his personality; consequently, his home space is directly stifling his sense of identity. None of my participants lived with pets, although four stated that they did own pets when specifically asked, but that they lived elsewhere. Kieran said: 'I miss my dog, Jerry, so, so much. Whenever I go back home and see him, that's the feeling of home. When your dog greets you. I think that's the best explanation I can give.' But if home is '[w]hen your dog greets you' then what does this say about tenants that are not permitted pets? If a pet is synonymous with home, then this suggests that four of my participants consider their home space to be elsewhere. Six of my participants stated that pets are not

¹⁷ Radin (1982)

¹⁸ Baxter & Brickell (2014)

permitted in their homes. Again, this reflects the limitations of being a tenant and the impact it can have on the home space. In Chapter 2, I discussed how placing or storing possessions elsewhere can be an act of unmaking home; possessions are 'exiled into storage'¹⁹ but with the intention of being returned in the future. However, my participants did not bring such possessions with them in the first place; this is not an act of unmaking but a lack of engagement with the home making/unmaking cycle altogether. I explore my participants' lack of engagement with the homemaking cycle further below and in the next chapter.²⁰

Aaron mentioned other restrictions: 'I can't just throw a mad party or throw paint around...' Socialising and personalisation are important aspects of life and identity.²¹ Decoration is the physical difference between a house and a home.²² Hurdley suggests that the act of 'domestic display'²³ is central to homemaking. Yet only one of my participants can decorate their home in any significant way:

Yeah, I think the landlord is pretty chill. As long as you don't damage anything. So I painted my wall my favourite colour and changed the curtains and lamp shade and stuff. Personal touches are important, I think. We make sure there's lots of photos around colour and brightness.

Debbie believes that '[p]ersonal touches are important', as well as the presence of 'photos' and 'colour'. However, she is the only participant to have the freedom to express herself and personalise her living environment. Aaron admitted he does not 'really care about [decorating his home]' and Callum claimed that he 'wouldn't bother anyway...what's the point? The landlord can do it.' Some of my participants have ambivalent attitudes towards personalisation, perhaps borne out of the temporary nature of their tenure. This also demonstrates their lack of engagement with the homemaking cycle.²⁴ One would not expect the same responses from a homeowner. Decorating a home can be a rather large and expensive undertaking; why would a tenant aspiring to homeownership use their resources on a home they do not intend to stay in long-term? The situation highlights a tension between the current and future home space; see below. It also suggests that the recent literature on home that focuses largely on materiality fails to understand home experiences across the spectrum. For homeowners, materiality may be an important aspect of home; it is an important homemaking practice that makes a place feel personal. Moreover, the homeless may value 'objects and things' that possess great sentimental value and that offer autonomy.²⁵ The act of placement of such objects is a powerful exercise and can make even

¹⁹ K. Burrell (2014), 'Spilling Over from the Street: Contextualising Domestic Space in an Inner City Neighbourhood', *Home Cultures*, Vol.11(2), pp.145-166, p.161

²⁰ See Chapter 8

²¹ Cooper (1995)

²² Despres (1991)

²³ R. Hurdley (2006), 'Dismantling mantelpieces: Narrating identities and materializing culture in the home', *Sociology*, Vol.40(4), pp. 717-733, p.718

²⁴ Baxter & Brickell (2014)

²⁵ Hill (1991), p.308

the streets feel like home. However, for some private tenants, such as Generation Rent¹, materiality is redundant. My participants do not want to engage in material homemaking practices as they view their homes as temporary. They may perform the physical acts indicative of homemaking, but their acts lack meaning.

Other participants did take pride in decorating their tenant home spaces in some way. They also recognised the importance of personalisation to express one's identity and connect to the home space:

[Y]ou don't have to paint or wallpaper to feel like you've had some sort of input. I have a few photographs in frames. And I have a rug in my room and some throw cushions. My room, and the house really, is very plain – beige and white. But that's good because it doesn't take much to jazz it up and make it feel more personal. It's like a blank canvas. **[So do you think personalisation is important?]** Yes, I think it can be really important. Home's gotta feel like home, hasn't it? I think it has to look the part and play the part. You don't wanna feel like you're living in a hotel.

Hailey believes personalisation is important in the home space. Contrary to Aaron and Callum, she also suggests it is especially important in the tenant home space. She emphasises the 'very plain' aesthetic as 'a blank canvas' that risks feeling like 'a hotel'. Personalisation is important so that home 'feel[s] like home'. Her comments reflect the relationship between person, space and identity. To her, a property feels like home because the occupier has projected their persona onto it. The colours 'beige and white' are neutral and no doubt intentionally chosen by her landlord as inoffensive. Yet they fail to reflect the occupiers and thereby fail as a home aesthetic. In Chapter 2, I explore how homeless people can engage in homemaking practices by placing their possessions where they choose. Although a small gesture, the act of placement is an exercise in control and also helps to personalise an unfamiliar and perhaps public place.²⁶ Unlike most of my participants, Hailey does engage in homemaking and sees the benefit of it. However, there is a significant difference in making somewhere feel less like 'a hotel' and more like an actual home. Graham also sees a connection between personalisation and control:

I'm no interior designer, but I think dictating the colour of a room and the lighting and what type of furniture – it is important. It gives you a sense of control, doesn't it? Even if you don't really care about stuff like that, having the option...it's good. But having photographs and personalising the space in different ways can be just as effective. Surrounding yourself with your own things makes a space feel like it's a part of you. Or whatever. That you're a part of it.

Here, the connection between property and person is described as so important that it is tangible; one is part of the other. Harmony between person and place in terms of identity is important and reaffirms the home experience. Graham also mentions the importance of

²⁶ Jacobs & Malpas (2013)

control and ‘having the option’ to do things. He references his ‘own things’ and that a space can ‘feel like it’s a part of you’, evoking the idea of ownership.

‘Mine’ and Sharing

The idea that home is ‘a part of you’ or ‘you’re a part of it’ relates to another core theme of the interviews: ownership. It overlaps with control and freedom of choice but warrants its own analysis, particularly in relation to tenure and sharing. Home is often described as ‘mine’, although not necessarily in the legal sense. But how does the sense of ownership relate to or conflict with sharing? Household and family are key elements of the home space; they relate to my core theme of personal relationships.²⁷ The interviews discuss sharing from the beginning; my participants knew that it was a key consideration for the selection of candidates for interview. Describing her home, Debbie said:

I like that [the house is] on three stories and that the ceilings are so high. I like that it has such a grand entranceway – or it seems grand to me! And the kitchen is quite big. The walls seem quite thick too, so it means sound doesn’t really carry.

Although Debbie’s comments are complimentary, details such as the number of floors, size of the kitchen and thickness of the walls relate to her experience as a shared tenant rather than her experience as an occupier in general. Her concern about sound demonstrates how sharing affects her life; something as mundane as wall thickness becomes a primary concern. Commenting on shared facilities, Isabelle stated:

I have a bathroom to myself. The guys share the other one, because I go mad if I have to clean up after them. They’re disgusting. But we do share the kitchen, and that’s bad enough. They just leave things out. What’s the point of having a bread bin, if you just leave the loaf on the side? Gah! And empty milk bottles! Don’t get me started.

The kitchen is a communal space, and one that accommodates a multitude of different habits and lifestyles. Communal spaces are therefore more likely to house discord. As Isabelle’s comment reflects, small things such as bread or milk bottles can lead to conflict. Debbie describes how she and her housemates try to mitigate cleaning-related conflict:

I don’t mind [sharing], but the boys can be so disgusting. That sounds totally a stereotype – but it’s true. We’ve had to put up a cleaning schedule on the fridge so everyone knows when it’s their turn to get their bleach on, so to speak. Luckily, I don’t share a bathroom with a boy – just my mate, [name]. She likes cleaning, so that’s good!

It is interesting that Debbie only shares her bathroom with her ‘mate’; it is unclear whether they were friends before, or whether shared proximity has somehow increased their friendship. She does not refer to ‘the boys’ as friends, and this seems to be related to the fact

²⁷ See Chapter 2

she finds them 'disgusting'. The clash between cleaning expectations causes a rift that is obvious in the us/them dynamic of her comment. Although she stated that she does not mind sharing, her anecdotes seem to suggest otherwise; further, resorting to a 'cleaning schedule' is clear evidence of an impact on her home experience. Cleaning schedules may be common in shared accommodation, but they are certainly more unusual across the housing spectrum. Her attitude towards her housemates is interesting in light of the household indicators in *Barnes*.²⁸ The us/them dynamic mentioned above suggests a lack of unity; the housemates are not a single household. The test focused on the stability of the group is particularly insightful; Debbie's rhetoric suggests she does not view them as one group at all, let alone one that may be called stable.

My literature review explored the idea of home as a gendered space.²⁹ Although this was not a common theme throughout the interviews, some elements of gender and gender relationships did materialise. The above comments by Isabelle and Debbie in relation to 'the guys' and 'the boys' introduces a gendered element to their critique. They are not just branding their housemates as 'disgusting' but suggesting that their gender is somehow intrinsic to that fact. Debbie even recognises that that this is a 'stereotype', but one that she experiences in real life. This is further emphasised by the fact that her female friend 'likes cleaning'; by contrast, her male housemates require a schedule to ensure they do their share of the housework. Neither Isabelle nor Debbie share a bathroom with a male housemate, and this seems to be important to them. For them, their bathroom is a place to assert their privacy, and in doing so exclude the opposite gender. Cleaning and hygiene appear to be the dominant concerns, but the gender boundaries seem to be emblematic of a greater, more fundamental divide.³⁰

Asked about her experience of home, Hailey immediately focused on the theme of sharing, and her relationship with her housemates:

[...] I love living here with the girls. We're all really close and just get each other. Like, we know when someone is having a bad day, or if one of us needs to pick up the slack because someone's tired. We just work. And I suppose I'm used to sharing. I have 3 older brothers. And I lived in halls at uni, so sharing a kitchen wasn't a big shock to me. We're like a family. We know when we need our own space, but that's actually not very often.

Hailey's experience of home is inherently linked with sharing. 'We just work' refers to the relationship between the housemates, and how they operate as a unit. Their relationship is so strong that they recognise when someone is 'having a bad day'; more importantly, they 'pick up the slack'. The unit works because it self-regulates and ensures that it continues to function 'like a family'. The comparison to family emphasises the importance of the theme to the concept of home; households are compared to family as the latter acts as the original

²⁸ *Barnes v Sheffield City Council* (1995) 27 H.L.R. 719; [1995] N.P.C. 87

²⁹ Chapter 2; see, for example, Douglas (1991)

³⁰ See: Darke (1994)

benchmark. It also reflects the fact that sharing is prevalent in most households, whether family or otherwise. It is interesting that Hailey's sharing experience is positive, but she only lives and shares with 'the girls'. Again the home relationships have a gender dynamic. Hailey's relationship with her housemates is much more positive and unified than Debbie's, but is still unlikely to satisfy the single household indicators in *Barnes*.³¹ Hailey and 'the girls' may view their unit as a 'family' or household, but they did not start out that way. Asked about her experience of home, Leigh responds:

I think my experience of home has been quite sheltered. My parents are solid – we've never had any massive dramas. Me and my sister are really close. I have 3 cats. We have a big garden, and we grow our own veg and have chickens, and everything. I know we're lucky. There's nowhere on Earth I'd rather be than in my garden with my family, maybe having a cheeky Pimm's. Or maybe snuggled up in a big jumper at Christmas time, with my cats on my lap, watching cheesy films with [name]. That's home – that feeling. It's quite nostalgic, for me. **[Sounds nice!]** Yeah, I'm such a family-oriented person. And I love doing things together. I like a good reason for us to get-together – like Christmas. Or anything, really. That's what it's all about.

Leigh's experience of home is a shared experience. She references being in the 'garden with [her] family' and 'watching cheesy films' with her partner; all her examples involve other people. She does not experience home in solitude. She simply states '[t]hat's what it's all about' and although she does not elaborate what 'it' is, it can be assumed she means life and living in general, not just her home experience. She describes home as 'that feeling' of being with family. Significantly, Leigh does not reference her current home in relation to her experience thereof. Although not vocalised, she appears to be making a comment on tenure. To her, home is 'nostalgic' as it harkens back to her family home; an owned home, evidenced by the repetition of 'my' throughout the monologue. By contrast, her current home is a rented space that she shares with non-family members that were previously strangers. She does not seem to share a particularly strong relationship with the other housemates:

It's just me and the two lads living here now, and they're not very sociable. Being at home is a bit boring. I miss being around familiar, friendly faces. Back home, everyone has the kettle on and a smile on their face. It's not like that here. **[Is that what you miss the most about the Wirral?]** Yeah – the sense of community. Obviously, it's not like the 'olden days' when everyone had their doors unlocked and knew each other, but it's more like that there than here. I miss my boyfriend, my parents, my sister...my cats. It's hard being so far away from everyone you love. **[Where does your boyfriend live?]** Near Liverpool. We went to uni together.

She later repeats her sense of loneliness, and feelings of being out of place:

³¹ *Barnes v Sheffield City Council* (1995) 27 H.L.R. 719; [1995] N.P.C. 87

I feel lonely. Everything seems so grey. I miss the countryside. I'm not selling London, am I? I miss [name], my boyfriend, so much. I hardly get to see him. He sometimes works weekends and I work long days, so it's hard to work stuff out.

Although Leigh is discussing themes of family and community, her comments are linked strongly with tenure. This is because her tenure is governing her life and her ability to see her loved ones or experience community. The reference to 'doors unlocked' evokes a community of owned homes, as tenants have a duty to their landlord to leave their property secure. Claiming that it is 'hard being so far away from everyone you love', suggests her tenure is not a choice, but a sentence of some sort. She does recognise her accommodation as home as she stated: 'Being at home is a bit boring', however the contrast between her current home and '[b]ack home' is stark. 'Back home' she enjoyed a host of familial activities, whereas her current housemates are 'not very sociable'.

Sharing with strangers is therefore an important aspect of my participants' home experience, but sharing is not exclusive to tenants. Of course, the significant difference between most households and my participants is that they do not choose their housemates. The 'household' is effectively constructed by the landlord and functions based on mutual financial benefit. Tenants usually share their home spaces to reduce rental costs, rather than personal preference. Of course, family households are not chosen; individuals do not choose their biological parents or siblings. Later, they may choose their partners and to have children themselves; many of my participants discuss raising children in homeownership, and modern households have never been more diverse than they are today.³² Members of Generation Rent¹, as a group that shares their living space with once-strangers, are one such example. Saunders and Williams' distinguish between house, home and household, recognising that they are related but separate entities.³³ The distinction allows for a recognition of the full spectrum of houses, homes and households, thereby encompassing all the 'personal' and 'unique' experiences, including tenants. It allows for an understanding of how those elements change and have 'changed'. *Barnes* confirms that a group of people may be living together in one property, but still not constitute a single household. It may seem odd that this can be legally determined, yet Ellickson argues that liberal states have a 'laissez-faire' approach to the household compared with other social units such as marriages or families.³⁴

Sharing and related concerns may not be exclusive to tenants or my participants, but it does act as a central element of their home experiences. Sharing is linked with tenure, but also control. An individual cannot control a communal space as it belongs to everyone. They may state their opinion but ultimately the decision is made by the group, not the individual.

³² ONS Report: Families and Households (2018), available: <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2018> [accessed September 2019]

³³ Saunders & Williams (1988)

³⁴ Ellickson (2010), p.130

Further, tenants are at the mercy of their landlord. My participants' home experiences are thereby dictated by their landlords and their housemates. In this manner, even non-communal spaces are subject to external forces. Out of twelve participants, eleven stated they spent most of their time in their bedrooms. Most of this time may be accounted for sleeping, but it also reflects the desire for privacy and a more controlled environment to enjoy. My participants can control who is allowed into their bedrooms; more importantly they can control who is not. Remarkably, only five of my participants have a lock on their bedroom doors. Instead, many of the households appear to have 'an understanding' that bedrooms are private, and others should not enter uninvited. As per Elle:

I don't have a lock on my door, but it doesn't really bother me as much as you might think. Why would I need one? We do sometimes wander in and out of each other's rooms, but only if the doors are open. We kind of have an understanding that a shut door means don't bother me [laughs]. I don't really think of privacy as a problem, even though I share basically everything. We know each other well enough to sense if someone's in a mood, and then we just give each other space. You just have to have a system, don't you? As long as it works it's usually OK.

The 'doors are open' policy reflects the 'system' she is trying to explain. Again, the idea that the home relationships need to 'work' is prevalent. The fact she believes privacy is not an issue, and that she does not need a lock on her door, suggests that her unit does work. It is interesting that Elle states that she does not 'think of privacy as a problem, even though [she] share[s] basically everything'. She establishes an incompatibility between privacy and sharing, but then effectively contradicts her statement. Elle's comments suggest that sharing need not undermine privacy, if the household has 'an understanding' that 'works'. The complex dynamic of sharing and privacy is seen in Graham's commentary:

I don't have a lock on my door, no. Like I said, we all sort of know to keep out each other's rooms. Even if I did have a lock, I probably wouldn't use it. **[But privacy is important to you?]** Absolutely. Everyone needs their own space, don't they? I think that's an important part of home too. It's the only place in the world where you can do anything you want – well, almost anything. The point is no one is there to judge you or make you feel uncomfortable. **[But only your room offers you that?]** I suppose so. **[If you lived alone, the whole house would be private, right?]** Yes, but I don't think that means the rest of the house is any less my home, if that's what you mean. Obviously sharing and privacy don't really go hand in hand, but most people live with other people, don't they? **[Not people that were originally strangers]** No. Sharing your living room with a girlfriend is different to sharing with a housemate who is sort of your friend. You're right. It's hard to explain. But it still feels different to being on the street or in the workplace or whatever.

Graham reiterates the idea that 'sharing and privacy don't really go hand in hand' but develops his argument by drawing on examples of different relationships. He establishes a difference between sharing 'with a girlfriend' and 'with a housemate'; one relationship is

more intimate than the other, and so the boundaries of privacy may be less pronounced. However, Graham also recognises a difference between the privacy experienced within a shared home, and the world beyond it. Sharing with an intimate partner may be preferable to sharing with a housemate, but the latter is preferable to not being in the home space at all. He identifies his bedroom as his 'own space', free of judgement, inferring that the rest of his home does not provide the same level of freedom. Still, he distinguishes between 'the street' or 'workplace' and his communal areas of home. His rhetoric again evokes the concentric circles of home³⁵; the home may be the central circle inside the community and city and nation etc., but for Graham there is another smaller circle within the home space in the form of his bedroom. Beyond his bedroom are the communal spaces, and beyond that the rest of the world. Such a concept may not be exclusive to tenants, but all shared home spaces; even so, his conceptualisation of home pertaining communal and personal spaces is significant. It suggests that although home may be attached to one particular property, the home experience may differ within individual rooms within that property. Graham's home experience within his bedroom is not the same as his experience in the kitchen or living room. His comments suggest a change of persona in each of the concentric circles; he reveals more of himself the closer to the central circle he is. He can only be his very true self within the confines of his private bedroom, but the rest of his home still acts as a sanctum from the outside world. Again, such a perspective may apply to all shared homes, including the family home, but the division between personal and communal is more pronounced for shared tenants. Graham's criticism of this aspect of tenure may be subtle but it is powerful, suggesting an internal boundary in the home space that is more established for tenants. His 'own space' becomes ever more important, again reaffirming the importance of 'mine' as a theme of home.

In this manner, linking control, sharing, ownership and privacy is identity. As Graham states, '[home is] the only place in the world where you can do anything you want [...] no one is there to judge you or make you feel uncomfortable.' Of course, a shared space can be a place of judgement. Kieran also believes home is a space he can be himself:

You don't have to try, or hide yourself. And I think it should be the safest place in the world to you. Like when you have a meltdown or a bad day, it's the place you rush back to. **[Not to a person?]** I guess it can be. I would go back to my parents if I needed that sort of support, and their home still feels like my home. I think that's natural – most people get that. Can home be a person? Maybe. Maybe the person is part of what makes a building a home. Or your pet. I miss my dog, Jerry, so, so much. Whenever I go back home and see him, that's the feeling of home. When your dog greets you. I think that's the best explanation I can give.

It is interesting that Kieran talks about home in an almost theoretical manner, despite the fact we discussed the topic in his current home. His choice of rhetoric accompanied by terms such

³⁵ Heidegger (1971)

as 'back home' suggests that he does not feel at home in the property. Perhaps unintentionally, Kieran juxtaposed his parental owned home with his current tenant home. The comparison made it clear which one he treats as his home. It acts as a critique on the limitations of the tenant space. The inability to have enough personal space or to own a pet clearly has a detrimental impact on his experience of home. As a tenant, Kieran feels less fulfilled in his home space.

Asked about the meaning of home, Aaron believes it to be something 'that's mine'; it belongs to him. Of course, my participant may not have meant 'mine' in the legal sense, but his feelings towards his tenant home space suggest as much. Asked if he feels at home, he responds:

Hmmm, no. I just don't like sharing my place. It's not really a home if you're sharing a toilet with a stranger, right? Well, [housemate]'s not a stranger anymore. But he was when I moved here. I like [housemate], course I do, but sometimes you just wanna come home and not have to deal with anyone else's shit. Home shouldn't be stressful, should it? It should be somewhere to relax.

The fact he responds in the negative, and links his reason with 'sharing', suggests that tenure is the central issue, albeit not in express terms. Aaron believes home equates with ownership, and that sense of ownership cannot be satisfied if he '[shares] a toilet with a stranger'. It is also interesting that even though his housemate is 'not a stranger anymore', he still does not feel at home. Good relationships are important within the home space, yet to 'like' someone does not necessarily qualify as the deep and meaningful connection that can be considered almost familial. However, he still refers to his home as 'my place'. This seems contradictory as he defines home as 'mine', but then states that '[his] place' still does not feel like home. Linguistically, 'my place' may be synonymous with 'mine', but Aaron reveals the many layers to the terms. The rented home is his because he occupies it, but he still cannot refer to it as 'his' because it is a shared space with someone recently considered 'a stranger'.

The pause in Aaron's response, 'Somewhere that makes me feel safe...that's mine', suggests that he is giving two separate answers. I believe the two sentences are linked. The sense of ownership evokes the feeling of safety; the condition leads to the result. Analysed alongside his response as to whether he feels at home, it appears Aaron is concerned with the household dynamic, both in terms of meaningful relationships and control. The physical space ('somewhere') coupled with the ideal household ('sometimes you just wanna come home and not have to deal with anyone else's shit') creates the home space. Such an analysis again corresponds with 'home = house + x factor'³⁶. Here, the 'x factor' is the household, but as the variable element of the equation, it has the potential to represent other important components. Beth stated:

³⁶ Fox O'Mahony (2007)

[Home is a] feeling that you get from a place. Somewhere that's your little bit of the world - whether it's a room, a house or just a bed in a hostel. It's yours for that moment in time.

Beth links home with ownership; 'your little bit of the world' and 'yours for that moment in time'. The repetition of 'yours' emphasises its importance. Despite this, Beth believes that a 'hostel' can be a home. At first this may be contradictory; however, the statement highlights the fact that ownership need not equate to homeownership, but can instead indicate occupation, and limited occupation at that. The meaning of home is the 'feeling' experienced 'from a place', and to this participant, that can be achieved in any property. A home need not be an owned home; a tenant can experience home in the same manner that an owner-occupier can. This complements the idea that tenants need not have the same level of control as homeowners to experience home in a fulfilling manner. Ownership is placed on a spectrum, with tenants still able to feel a sense of 'mine' in their bedrooms or in other ways.

The Temporalities of Home

Ownership and 'mine' play a big part of my participants' conceptualisations of home, and this may be due to their previous experiences. All my participants had lived in owned homes as children with their parents; this has shaped their expectations, aspirations and understandings of home. Consequently, another common theme raised in the interviews is time and the temporalities of home. Such findings are supported by the empirical study conducted by Sixsmith.³⁷ Contrary to some philosophes such as McTaggart³⁸, here temporality is seen as the linear progression of time.³⁹ Presently, my participants live in PRS accommodation. They do not just experience home in the present; as young graduates, my participants still feel a connection to their parental or childhood home. Indeed, the relationship may remain influential even years after living there.⁴⁰ As members of Generation Rent¹, they are also preoccupied with their aspired, future home. For my participants, home is thereby conceptualised as a past, present and future phenomenon, and often they experience these temporalities all at the same time. The childhood home establishes their expectations of home; the present home space provides all the physical necessities of home such as shelter; and the future home represents the aspired owned home.

Khan believes that temporality is a significant aspect of law.⁴¹ Greenhouse argues that it 'suffuses popular (and professional) understandings of law'⁴². Khan provides a simple

³⁷ Sixsmith (1986)

³⁸ See: J. M. E. McTaggart (1908), "The Unreality of Time", *Mind*, Vol.17, pp.457-73

³⁹ B. Dainton (2010), *Time and Space, Second Edition* (McGill-Queens University Press)

⁴⁰ D. Morley (2002), *Home Territories: Media, Mobility and Identity* (London: Routledge)

⁴¹ See: A. Khan (2008), 'Temporality of Law', *McGeorge Law Review*, Vol.40, pp.1-52

⁴² C. J. Greenhouse (1989), 'Just in Time: Temporality and Cultural Legitimation of Law', *Yale Law Journal*, Vol.98, pp.1630-1641, p.1631

example in everyday life in the form of mortgages⁴³; the monthly payment acts as a temporal transaction that reaffirms an individuals' relationship with law. Not only does this connect back to the idea of legal consciousness but demonstrates how homeownership dominates legal discourse. Rent payments could act as a similarly effective example. For my participants, law and temporality interact in a particularly strong manner. As individuals that aspire to homeownership, they are constantly thinking forward to their future homes, so much so that it is intrinsic to their identity as Generation Rent¹. Significantly, their preoccupation with the future and nostalgia for the past seems to eclipse their current home experiences. This is despite the fact that it is the home they actually live in; their childhood homes cannot act as a 'base' (Graham) anymore and their future, aspired homes are yet to happen, and unlikely to exactly mirror their expectations. For most, their current home satisfies their needs and expectations, and largely provides a fulfilling socio-spatial environment. It may seem odd that the 'real' home can be overshadowed by dreams and memories, and yet this largely equates with Tucker's argument that 'most people spend their lives in search of home'⁴⁴, which is explored in my literature review.⁴⁵ Tucker's representation of home as an almost unattainable ideal is predicated on nostalgic notions borne in childhood.⁴⁶ Mallett argues that 'discussion on the ideal home generally focuses on nostalgic or romantic notions of home'.⁴⁷ Interestingly, my participants also understand the connection between home and nostalgia. To repeat Leigh's comments:

There's nowhere on Earth I'd rather be than in my garden with my family, maybe having a cheeky Pimm's. Or maybe snuggled up in a big jumper at Christmas time, with my cats on my lap, watching cheesy films with [name]. That's home – that feeling. It's quite nostalgic, for me.

Further, Graham says:

For me, when I think of home, it brings up memories of my childhood. Sitting in duvets in the living room in the middle of the day watching Disney films. I think home is nostalgic. **[So does this feel like home?]** Yes, which I guess doesn't make sense really. I mean, I have lived here 2 years now, so it has become part of who I am. I live here; my stuff is here; this is where I return to at the end of the day. But I also don't think living somewhere makes it home. There's another saying – 'home is where you lay your hat'. I like that one, but I don't think it's true. When I first moved in here it didn't feel like home, even though for all intents and purposes it was my home. It was only after a few months, maybe when routine settled in, that it started to feel...homely. Although that's still not the same as home is it? 'Homely' means it's like a home...sorry, I'm going around in circles. Yes, this is my home. But I think my parents' home is also still my home. That's weird isn't it? I

⁴³ Khan (2008), p.1

⁴⁴ Tucker (1994)

⁴⁵ See Chapter 2

⁴⁶ J. Zulueta (2017), 'Memory, nostalgia and the creation of "home": a returnee woman's journey', *Migration Letters*, Vol.14(2), pp.263-272

⁴⁷ Mallett (2004)

think it always will be, even if I never live there again in my life. **[Even though you said home is a unique place?]** Yes, I guess I don't mean unique as in a one-off. I think I mean unique to the individual. To most people a house is just a house. It's only to a few people that that house is a home. It's a connection. **[What kind of connection?]** I think that's completely subjective. For me, my parents' house feels like home because of all the memories I have there. Whereas here I have far less memories, but it still offers me something important. It's my base in all this madness.

Here, Graham's comments demonstrate the idea that an individual can experience home multi-spatially and multi-temporally.

Coupled with socio-political pressures of homeownership, it is unsurprising that members of Generation Rent¹ may subconsciously, and indeed consciously, relegate their own home experiences as lesser. For example, Aaron said: 'I don't mind being a tenant, but it doesn't feel...like the end goal. But, yes, I guess it does suit my lifestyle right now.' Again, renting is a positive aspect of his current lifestyle, but it is overshadowed by 'the end goal' of homeownership. Debbie believes renting is a 'stage of [her] life' but admits she does 'like being a tenant'. She does suggest that her positive feelings are based on knowing that renting is 'not going to be forever'. Elle repeated the sentiment: 'It fits my life now. I do not want this forever.' The juxtaposition between 'forever' and 'for now' is stark. Aaron continued:

[...] It's fine. I'm not overly attached. It's just a temporary home, really. It's perfect for now, but, meh. No one wants to live in London forever, do they? Well, would you? Even if you did, good luck affording it. The cost of buying around here is an actual joke. I don't think I could ever even afford a shed here, let alone a bloody house [laughing].

He specifically calls his home 'temporary', and recognises the difficulty of affording homeownership in London, again criticising the housing sector in general. By stating his home is 'perfect for now' he is effectively imposing a time limit on his occupation; it is perfect for now, but not 'forever'. Aaron's portrayal of his home and the concept more broadly is inherently linked with time. It is possible that the importance of temporality is even greater for Generation Rent¹; their aspirations of homeownership encourage them to look forward, rather than enjoy their current home space. Aaron felt 'meh' about eviction because he knew he would eventually leave anyway, and switch to a tenure that offered him greater security. Still, Generation Rent¹'s aspirations of homeownership relate to a greater national psyche.⁴⁸ The idea of the 'housing ladder' demonstrates the link between aspirations and homeownership; individuals must not only look forward, but up. The connection between home and time is therefore likely to be as important to other groups.

Callum's feelings towards his home space appear to be linked to his age and future aspirations:

⁴⁸ Gurney (1999)

I'm 29 now, so I really wanna...I don't know, feel like I'm moving forward, you know what I mean? I've been in London 6 years now and it just doesn't feel like I've got that much under my belt. It feels like I still haven't...I don't have the foundation. Once I get into my 30s I wanna feel like life has started, you know? I didn't use to want marriage and kids and...I don't know. Maybe I do now. All my mates back home have kids and everything. They seem...settled. And I just don't think I'm there yet. Or will be soon. Living here doesn't feel permanent. I don't know if that's because I'm a tenant or because I'm single or...something doesn't feel long-term.

Again, Callum represents renting as a temporary stage of life, and believes that he should now be 'moving forward'. He claims that he has no 'foundation' and does not feel 'settled' like his friends. All this appears linked to his tenure. He plainly says, 'Living here doesn't feel permanent' or 'long-term', and it is likely to be 'because [he is] a tenant'. Callum cannot experience a sense of permanence because his tenure does not allow him to. Of course, neither do his own aspirations; Callum views his tenant lifestyle as a temporary step and so ergo he cannot feel settled. He faces no known immediate threat of eviction but his need to move 'forward' into homeownership relegates his home as temporary. His sense of 'being trapped' is therefore complex. His references to time and his friends suggest a prevalent sense of personal, familial and societal pressure to move on despite the fact he liked being a tenant 'until recently'. The passage of '6 years' has increased the amount of pressure to the point that Callum can no longer enjoy his home space, even though it offers him everything he needs and wants from it.

Research from my literature review suggests that the longer an individual lives in a property, the stronger their relationship with it becomes. This is the same as any relationship; connection is built over time. A sense of familiarity and positive association do not happen in a short space of time. Further, the longer an individual lives in a dwelling, the more likely they are to invest time and money into making it 'look' and 'feel' like home (Hailey). Cases of alternative accommodation demonstrate that the courts also understand the correlation between time and enjoyment of the home space, such as *Whitehouse v Loi Lee*⁴⁹. My empirical research suggests the opposite. Callum said:

The longer I stay here, the more I want to move on. Or move back? It's a weird paradox. The last thing I want to do is move back home with my grandparents. And I like my job, for the most part. But I'll never be able to afford to buy in London, so if I want to become a homeowner I think I'm going to have to go back North.

Callum's comments are dominated by past and future thinking, at the expense of his present experiences. His frustrated aspirations are highlighted by the fact he feels he has to 'go back' to 'move on'. Beth said: 'as I've lived in London longer it's felt less like home as I think I want something different'. The longer Beth lived in London, the more she realised it did not suit her lifestyle. In turn, that realisation impacted her home experience. The disconnect

⁴⁹ *Whitehouse v Loi Lee* [2009] EWCA Civ 375

between her feelings for the property and her feelings about the location is reflected by her 'yes and no' answer to the question, 'Do you feel at home here?' It may be considered odd that such a question may have an ambiguous 'yes and no' response. Interestingly, Fahim, also answered, 'yes and no' to the question: 'Do you feel at home here?' The fact that the answer can be 'yes and no' simultaneously reflects the complexity of home. Home is a result that is dependent on other variables. If the variables change, then the result also changes. The home may have a physical constant in the form of a house (or other variant), but the relationships, feelings and experiences within the home space fluctuate and change. Fahim revealed that his answer was intrinsically linked to tenure: 'For me, this is just for now. For now, and then we will see. Then I will find [a] real home, for long time.' He answered 'yes and no' because the home space satisfied him in every sense but tenure. It looked like a home and felt like a home, but it could only be a 'real home' to him if it had security of tenure. This aligns with Newton's explanation that the sense of 'being at home' requires ontological security; Newton suggested that people living in caravans could experience home as long as they felt safe and secure.⁵⁰ For Fahim, the lack of security means that he does not fully experience home in his PRS accommodation.

Asked what the meaning of home was, Fahim simply stated: 'Family'. It is possible that the 'real home, for long time' that he aspired towards is a place he can experience family. Again, this demonstrates the ongoing influences of the childhood home, and the strong aspirations to recreate it. The childhood home is the first experience of home. It moulds the expectations and feelings towards the concept. Consequently, if those expectations are not met, the current home can be deemed a failure as a home experience. Of course, the childhood home is not something that can be replicated again; childhood passes, and future homes do not need to satisfy the same needs. Home spaces should grow and change to reflect the individual. Even if or when that individual has children of their own, the home serves them differently as it would if they were the child. In some ways, the frequent use of 'back home' indicates an understanding of this. The term 'back' is directional but also temporal, for example 'back then'. To my participants, the term means both simultaneously; 'back home' is a past experience that exists in another location. And yet, I think my participants' understanding and relationship with 'back home' is more complex. Used geographically, the term refers to the present home that is elsewhere, i.e.; 'I am on my way back home'. Aaron said: 'My mum can't afford to travel to London, so I normally travel back home to her'. Aaron could have said, 'My mum can't afford to travel to London, so I normally visit her', but he felt the need to describe the visit as a trip 'back home'; a pilgrimage to his childhood home and one that remains very much influential.

Describing the directional nature of 'back home' not only evokes the idea of a pilgrimage but reinforces the idea of home as the secure centre and point of origin.⁵¹ If 'back home' is the

⁵⁰ Newton (2008)

⁵¹ Dovey (1985)

point of origin (and this appears to be a fair conceptualisation of the childhood home) then what does this say about my participants' current, tenant homes? My research has demonstrated that home may be multi-spatial; individuals can experience home in more than one place. However, the idea of the 'only or principal home' in PRS legislation establishes home as hierarchal; individuals may experience home in more than one place, but only one of them may be the 'principal home'. For some of my participants, it is clear that 'back home' remains their 'principal home'. To repeat Leigh: 'Being at home is a bit boring. I miss being around familiar, friendly faces. Back home, everyone has the kettle on and a smile on their face. It's not like that here'. Leigh not only compares her two homes but represents 'back home' as better. It is clear from Leigh's narrative that nostalgia is at play; 'Back home, everyone has the kettle on and a smile on their face' is not only a generalisation, but an unlikely one. Leigh even admits that home is 'nostalgic' to her; she recognises that her idea of home has been romanticised. Her tenant home is therefore not only competing with her first ever experience of home, but a version that has been further idealised by nostalgia. It is unsurprising that Leigh's tenant home falls short of her sentimentalised past; further, that sentimentality increases her aspirations of homeownership. The idea of 'back home' connects with the quote at the beginning of this chapter: 'Home's where you go when you run out of homes.'⁵² The quote captures the idea of returning to the principal home; for my participants, this is 'back home'.

Summary

My participants experience and describe home as a past, present and future phenomenon, but it is clear that the present home space is often disregarded. This is despite the fact that most of my participants enjoyed good home experiences; their tenant homes provide for their basic needs, and often more. As stated by Moore, 'it is as possible to feel out-of-home whilst living in permanent and stable accommodation as it is to find small pockets of home whilst on the street'⁵³. All of my participants have been raised in homeownership; their experiences, attitudes and expectations were established by that tenure. Children are influenced by their parents and may aspire to emulate them. My participants believe homeownership is the end housing goal, and the correct tenure for them to also raise their own children. In some ways, their experiences of renting are therefore negative simply because they are different. Even though renting suited some of my participants' lifestyles, it was still viewed as secondary to homeownership. My research suggests that nostalgia further exacerbates the drive towards homeownership. The childhood home is the yardstick by which all other homes are compared, but it is a yardstick idealised by nostalgia. The tenant home is unable to meet those romanticised expectations. As the key difference between my participants' childhood

⁵² J. le Carré (1977)

⁵³ Moore (2007), p.152

homes and tenant homes was tenure, this is identified as the key variable, and one that must be changed.

Aspirations and nostalgia have clearly influenced my participants' attitudes and experiences of home, but this does not negate the impact of their ASTs. My participants did not fully understand their rights and responsibilities as tenants, or the legislation that enforces them. Rather their understandings were cultural, shaped by their own experiences and those of their peers. The idea of legal consciousness informed my interview structure and allowed my participants to identify legal issues in their own time. The interviews revealed that many of my participants' views on home are more reflective of protected tenancies under the Rent Act 1977 than ASTs under the Housing Act 1988. They believe that control is important; the ability to change the décor, act as they please and determine whether they move or stay. The terms of their ASTs are thereby in direct contrast to their expectations of home. It is therefore arguable that the temporalities of home experienced and vocalised by my participants are legally created. Not only are Generation Rent¹ and their aspirations a product of legislation, regulation and policies, but the limited control and security of tenure offered by ASTs further increases their aspirations of homeownership.

Temporality is clearly an important theme of home for Generation Rent¹; it is unclear whether this is the case for other groups of tenants, or even other members of the housing spectrum including homeowners. In her study on the meaning of home, Sixsmith recognises that home has a temporal element, but this is not explored in detail.⁵⁴ Based on the findings from my research, temporality is less likely to be as important to homeowners as some may be in their 'forever' homes or 'retirement' homes; they do not need to look forward. By contrast, members of Generation Rent¹, by definition, aspire to homeownership. Their future home is therefore something that they consciously think about. Their ambivalence towards their current homes also mean that they do not fully engage in homemaking practices, such as personalisation and decoration, in the same manner as other groups. This casts some doubt on the importance of materiality that has dominated recent literature on home.⁵⁵ The fact that my participants felt somewhat indifferent or even negatively towards their tenant home space does not justify the lack of protection afforded tenants on ASTs. Rather it is a consequence of it. Perhaps a change in the amount of control and security given to PRS tenants would change my participants' attitudes to their tenant home, but this is unclear. The next chapter brings together my analysis of the three perceptions of home (cross-disciplinary, legal and individual) and reviews my main findings.

⁵⁴ Sixsmith (1986)

⁵⁵ See, for example: Digby (2006), Hill (1991), Jacobs & Malpas (2013), May (2000), Miller (2001) and Sayer (2004)

Part D

Concluding Section

8. Defining Home

‘Home isn’t where you’re from, it’s where you find light when all grows dark.’¹

~ Pierce Brown

Themes, Signifiers, Experiences

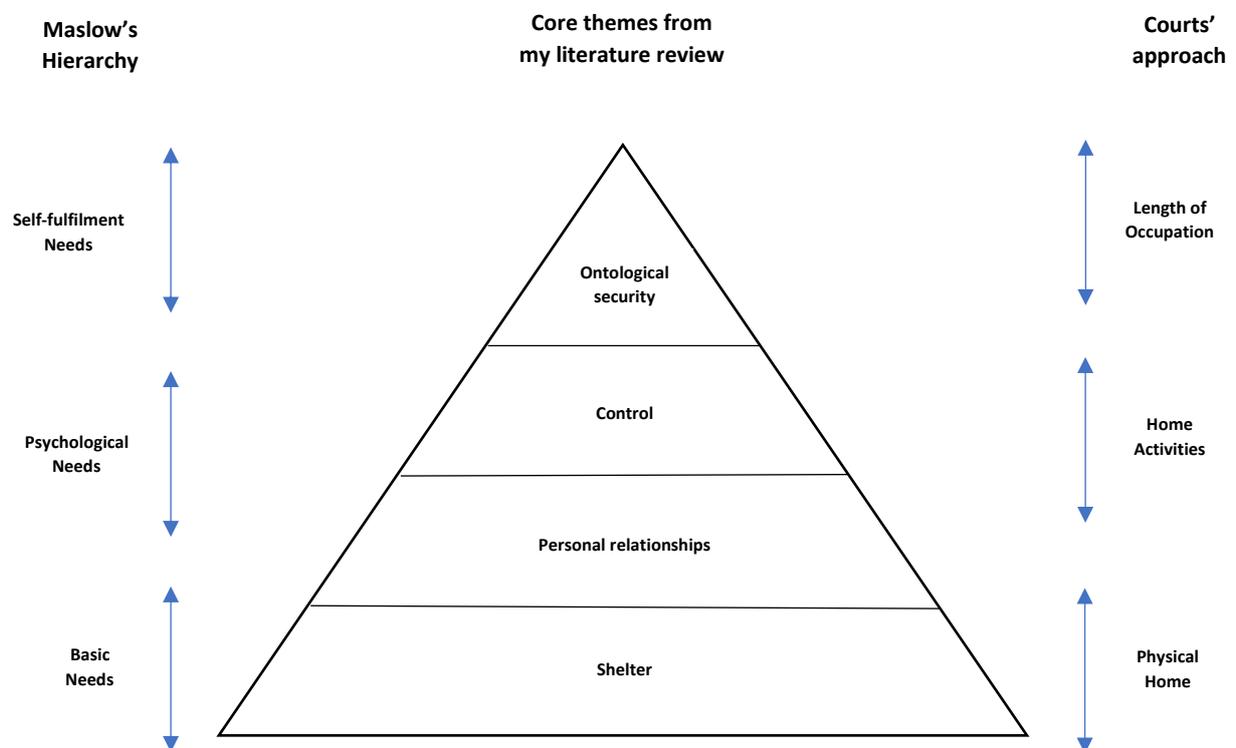
This chapter brings together my analysis of the three perceptions of home identified in my thesis: cross-disciplinary, legal and individual. All three understandings are addressed in my research questions:

1. How far does the pre-Housing Act 1988 conceptualisation of ‘home’ in English legislation and case law relating to the private rental sector correspond to the conceptualisation of ‘home’ in the scholarly literature across disciplines?
2. What are the home experiences of Generation Rent¹, and how far are these shaped by their ASTs under the Housing Act 1988?

My literature review in Chapter 2 explores the cross-disciplinary understanding of home and identifies four core themes: shelter, personal relationships, control and ontological security. In the ‘Conceptualising Home’ section, I utilise the framework of Maslow’s hierarchy of needs to represent those themes:

¹ P. Brown (2015), *Golden Son* (London: Hodder Publications)

Figure 8.1: Home's Hierarchy of Needs (final)



Source: M. Matthewman (author)

At the bottom, corresponding with the 'basic needs' is the theme of shelter. Home requires physicality, though it may not be enough in and of itself. The literature on homemaking suggests that materiality is more important as objects and things can represent and carry the feeling of home; this is especially the case for migrants or the homeless.² However, Parsell suggests that for the homeless, 'home mean[s] housing' or rather that 'housing [is] required to experience home'.³ This contrasts with McCarthy's findings that the homeless search for, and do find, associations of home outside of bricks and mortar.⁴ The opposing versions reflect the subjective nature of home but also reaffirm the importance of shelter. McCarthy seeks to deconstruct traditional notions of home as a domestic dwelling, but her study reinforces the fact that shelter is a foundational and necessary aspect of home, albeit in many different forms.⁵ My participants also understood this requirement; further, their descriptions of home relied on it. They referred to home as 'a place', although this was rarely said in isolation. Home is a place, but it is more than that; it is a place *plus*. This fits with shelter's placement at the bottom of the pyramid. It is a foundational element, and one that is built upon. The

² Hill (1991)

³ *Ibid*

⁴ McCarthy (2018)

⁵ *Ibid*, p.976

legislative term ‘dwelling-house’ and the subsequent case law demonstrates that the courts also understand the importance of the physical home. Chapter 5 establishes the signifiers of home employed by the courts. These signifiers encompass the themes of home but are objectively identifiable. The ‘dwelling-house’ is the clearest example; it is tangible evidence of the home.

The second signifier identified in Chapter 5 is home activities. This refers to physical activities that occur within the home, including social interaction. The signifier thereby comprises of the themes of personal relationships and control. The courts can identify activities such as eating and sleeping to recognise the home space; in *Uratemp*⁶ the Supreme Court suggested that these were signifiers of home, but that they are not exclusive, and there is scope for individual lifestyles. My participants’ responses reflected the subjective nature of home activities. Aaron summarised home as ‘the place where you live – and I don’t mean that in like a ‘duh’ way’. There is nothing ‘duh’ about his response because how one lives is individualistic, and the courts’ judgment reflects an understanding of that. These elements relate to the psychological needs of Maslow’s pyramid.⁷ Home satisfies psychological needs as well as physical ones. Radin’s theory of property and personhood connects the two; an individual needs to exert control over their environment to satisfy psychological needs.⁸ For PRS tenants, and my participants, control and sharing are complex issues. The element of control is not wholly absent from their home spaces, but their ASTs do complicate the situation (summarised more below; see Chapter 5 for greater detail).

The third signifier is length of occupation. This is a documentable element that the courts can use to impute home. It is particularly important in alternative accommodation cases, for example, *Whitehouse v Loi Lee*⁹. Length of occupation allows the courts to analyse the relationship between person and property. A longer length of occupation denotes a stronger relationship; tenants are more likely to have deeper memories and even a sense of connection. The latter evokes the theme of ontological security and Maslow’s self-fulfilment needs; they occupy the top of the pyramid. According to Maslow, an individual can only achieve their potential in optimum conditions¹⁰; the home needs to satisfy that requirement. Ontological security refers to a sense of ‘reliability’¹¹ and is therefore strongly connected to the signifier of length of occupation. Moreover, it depends on security of tenure. A tenant cannot experience ‘reliability’ with an AST. My participants did not have extensive knowledge of their rights and responsibilities, but they did share a cultural understanding. Aaron recognised that he, ‘[m]ight get kicked out’ and could not establish long-term roots. Callum said, ‘[l]iving here doesn’t feel permanent’, and Kieran stated his current home is ‘not forever’. Without that sense of permanence, a tenant may struggle to build a connection with

⁶ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43

⁷ Maslow (1954)

⁸ Radin (1982)

⁹ *Whitehouse v Loi Lee* [2009] EWCA Civ 375

¹⁰ Maslow (1954)

¹¹ Giddens (1991)

their home. My participants' views on home were in keeping with the cross-disciplinary themes; however, their experiences occasionally fell short of the mark.

My research establishes overlap between the three approaches to home that I have focused on. The cross-disciplinary themes, legal signifiers and individual attitudes and experiences of home overlap, albeit not perfectly. Maslow's pyramid offers an interesting way to see the relationship between my themes and signifiers. I did not want to subject my participants' experiences to an overly restrictive framework, but overall their views also correspond with my core themes. However, as highlighted above, their experiences did not always match their perceptions of home. This is largely due to their ASTs. Although this does not undermine the legal concept of home, it does complicate the narrative. The next sections explore the similarities and differences between the perceptions in more detail, and how this impacts the legal conceptualisation of home.

Towards a 'Multidisciplinary Approach'

In 2007, Fox O'Mahony stated that there is no clear concept of home in the English legal system.¹² Since then, little to no research has been conducted to challenge this assertion. My thesis acts as a reopening of the discussion, with a particular focus on PRS tenants. Indeed, Fox O'Mahony focuses almost exclusively on homeownership, with little consideration for the PRS. Such a dismissal is unsurprising given the fact that homeownership has become the normalised housing option in England and the UK more broadly.¹³ However, the term 'home' features in contemporary PRS legislation¹⁴, and even in human rights law.¹⁵ Its presence alone suggests a legal conceptualisation, but is it clear? Home lacks a legislative definition, but the case law suggests that the courts have had little difficulty in understanding the term. In human rights law, home is afforded an autonomous meaning. In *Qazi*¹⁶, Lord Millet explained this to mean that home 'bears its natural and ordinary meaning'¹⁷. Domestic case law over the last few decades suggests that the courts have traditionally adopted a similar approach.¹⁸ The question is: what is home's ordinary meaning, and should the courts take this approach? The literature review confirms that home is a universal concept albeit with subjective experiences¹⁹; an 'ordinary' understanding creates a broader and thereby more inclusive definition. Likewise, the courts have been hesitant to openly discuss home and risk establishing a 'restrictive [legal] interpretation'²⁰; such an approach is more in keeping with

¹² Fox O'Mahony (2007)

¹³ Gurney (1999), p.176

¹⁴ Especially: s.1 Housing Act 1988

¹⁵ European Convention on Human Rights 1950, Article 8

¹⁶ London Borough of Harrow v Qazi [2003] UKHL 43

¹⁷ *Ibid* at 95

¹⁸ See Chapter 5

¹⁹ See Chapter 2

²⁰ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 2

the broader scholarship and reflects a deep understanding of the concept and the wider implications. Home comes in many forms and it is important that legislation and case law do not risk excluding any. Instead, the courts have used other terms and signifiers to impute the concept. A key example is 'dwelling'. To repeat Lord Millett in *Uratemp*:

In both ordinary and literary usage, residential accommodation is 'a dwelling' if it is the occupier's home (or one of his homes). It is the place where he lives and to which he returns and which forms the centre of his existence.²¹

Although both 'home' and 'dwelling' feature in the legislation²², Lord Millett only defines the latter. Yet, by drawing a link between the two terms, Lord Millett also effectively defines home. The result is that 'dwelling' becomes a legal term with a more 'restrictive interpretation'²³ and home remains a more universal, ordinary word. Nevertheless, the discussion and connection between the two terms provides some insight into the legal conceptualisation of home. 'Dwelling' is also given its 'ordinary and literary' meaning and is equated with 'the occupier's home'. Home is used as the descriptor due to its universal definition. However, this is in turn described as 'the place where [one] lives and to which [one] returns and which forms the centre of [one's] existence'. By elaborating further, 'dwelling' is not just given its 'ordinary and literal meaning', but becomes the definition provided. A similar definition was also given by Lord Irvine:

'Dwelling' is not a term of art, but a familiar word in the English language, which in my judgment in this context connotes a place where one lives, regarding and treating it as home.²⁴

Although it is 'not a term of art', 'dwelling' is still given some definition, as 'a place where one lives, regarding and treating it as home'. Again, there is a link drawn between 'dwelling' and 'home', but only 'dwelling' is afforded a direct legal interpretation. Home, by contrast, is again used as the definition. Dwelling, however, is equated with 'a house, apartment, or other place of residence' in the Oxford English Dictionary²⁵; it is the physical aspect of home, not the entire concept. In this manner, the exploration of terms such as 'dwelling' and 'dwelling-house' in PRS legislation allows the courts to impute home but places the focus on its physicality. The terms concentrate on the physical house (or other variant) and the items or activities that occur within it: 'the *place* where [one] *lives*' [emphasis added]. The courts recognise that home requires physicality and must satisfy certain conditions for survival, including the core theme of shelter, echoing the basic needs of Maslow's hierarchy.²⁶ Other features of home established in the scholarship such as safety, shelter, security and privacy rely on the tangible home; home may be multi-dimensional, but it does require place and

²¹ *Ibid* at 31

²² See, for example: s.1 Housing Act 1988

²³ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 2

²⁴ *Ibid* at 3

²⁵ Available at: <https://www.oed.com/> [accessed August 2019]

²⁶ Maslow (1954)

space. A home cannot be a safe space if it lacks walls or a roof or some other variety of shelter. The phrase 'four walls' was used by two of the participants as a stand in for 'house'. Further, the participants largely referred to home as 'a place', reiterating the fact that home does require some form of physicality. Home was also described as 'a feeling' and 'a connection', but even these more emotional descriptors rely on home having a presence in the real world. The feeling or connection is based on a relationship between person/home; two *things*. This demonstrates agreement across academic disciplines in terms of the concept of home, including law, as well as individual experiences; physicality may not be the sole or defining characteristic of home, but it is a necessity. Focusing on the physicality of home risks neglecting the less tangible elements.

Lord Millett's comments that home is a 'place where [one] lives' and 'returns' creates quite a broad definition, allowing for all manner of living arrangements. The idea that home is the 'centre of existence' is the most restrictive element of his description and relates to both physical and emotional aspects thereof. It is in keeping with Dovey's statement that home inhabits a 'secure centre'²⁷ and relates to the idea of ontological security.²⁸ Home provides a place to not only be safe but to *feel* safe; to feel 'at home' is not just a physical experience but a psychological one. Lord Millett's assessment thereby highlights resemblance between the legal and cross-disciplinary understanding of home: 'home = house + x factor'²⁹. There is also strong correlation between the academic approach and individual experiences. Returning to Kieran:

[Home is] the place where you live – and I don't mean that in like a 'duh' way. It's the place you eat, sleep, socialize with friends or family...but also where things are the most simplest. Does that make sense? You don't have to try, or hide yourself. And I think it should be the safest place in the world to you. Like when you have a meltdown or a bad day, it's the place you rush back to.

Kieran summarises much of what Lord Millett and Lord Irvine stated; he manages to articulate the simple and universal nature of home but also recognise the complex feelings involved. Home is a place, but it is also an experience; it is a safe space both physically and mentally. It must be noted that not all the participants found describing home to be an easy exercise. As per Elle: 'Home is so hard to explain but it's so important isn't it?' Although some of the participant's found home difficult to define, they still understood it as a concept, and there was overwhelming agreement regarding its importance.

The literature review also establishes that home can be multi-spatial; it need not only exist in one place at one time.³⁰ Migrants, for example, may leave their homes for work but with the

²⁷ Dovey (1985), p.35

²⁸ Dupius & Thorns (1998)

²⁹ Fox O'Mahony (2007)

³⁰ See Chapter 2

full intention of returning again one day.³¹ The possibility of home as multi-spatial has also been supported in case law such as *Amoah*³² and the idea of the 'only or principal home'³³. If there is a 'principal' home, then this suggests that an individual can have more than one. It also portrays home as hierarchical; one home is established as the 'principal' or main one, and this is likely to be the case for most individual experiences of home, but not all. Some individuals may experience home differently in multiple places, and in such a manner that is not always comparable. The theme of 'back home' was central in the interviews, also demonstrating that home can be multi-spatial, but that applying a hierarchy to home is not always simple. As young graduates, the participants still felt a strong connection to their family home. Although they now live elsewhere, the frequent references to 'back home' suggests that the participants still experience home in their childhood home. This is supported by the fact that many of my participants stated that their pets still lived 'back home' (for example, Kieran stated: 'I have my dog back home, but no pets here'), and pets may be considered a hallmark of home.

But can home be a place that an individual no longer lives in? The use of 'back home' certainly suggests as much. Significantly, 'back' may suggest the past tense, but the interviewees used it in a geographical manner. All the participants had moved to London, and so 'back home' referred to a place geographically. The phrase also suggests the intention to return i.e. *go* back home. The term has 'orientation'³⁴, but it may also be the destination. According to Leigh: 'Back home, everyone has the kettle on and a smile on their face'.³⁵ Her choice of tense here is revealing; everyone *has* the kettle on, not *had*. She is not referring to past incidences, but present ones. To Leigh, her home in the Wirral remains her 'principal home' even though she does not actually live there. Cases such as *Link Lending*³⁶ demonstrate that the courts understand Leigh's situation, and that occupation alone is not the definitive aspect of 'home'. In *Link Lending*, Mrs Bustard's intention to return home, and treat it as such, was sufficient to satisfy actual occupation, despite the fact she was not occupying it in the literal sense. The decision evokes Lord Irvine's comments about 'regarding and treating [a place] as home'³⁷; home is not just about physical activity, but a state of mind.

Home is thereby not just reliant on physical factors, but emotional ones. In the case law, home has been described as a 'connection'³⁸, mimicking the terminology used by the participants (Graham: 'To most people a house is just a house. It's only to a few people that that house is a home. It's a connection'). The longer an individual occupies a place, the more memories they create there. They are also more likely to personalise the space, projecting

³¹ Levitt (2004)

³² *Amoah v Barking and Dagenham* (2001) 82 P&CR DG6, CA

³³ s.1(b) Housing Act 1988

³⁴ Dovey (1985), p.35

³⁵ This is analysed in more detail in Chapter 7

³⁶ *Link Lending Ltd v Bustard* [2010] EWCA Civ 424

³⁷ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 3

³⁸ *Stephens v Kerr* [2006] All ER (D) 186 at 62

their identity onto it and in turn forging a greater sense of ‘personhood’³⁹ within it. As per Graham, an individual may start to feel ‘part of it’ or that it is ‘part of them’. In *Whitehouse v Loi Lee*⁴⁰, it was seen as unreasonable to remove Mrs Whitehouse from her home of 45 years; her connection was extremely strong. Length of occupation acted as a signifier of home, but also a justification to protect it. It denoted a sense of ontological security, captured by Lord Millett’s description that home is an individual’s ‘centre of existence’⁴¹ and echoes Dovey’s idea of the ‘secure centre’⁴². Graham also describes home as the ‘base in all this madness’, effectively agreeing with Dovey’s argument that home acts as ‘the point of orientation’⁴³. The combination of connection, ontological security and geographical placement again establish home as a physical, emotional and psychological experience.

The similar rhetoric again demonstrates likeness in the three perceptions, and the idea that home is a universal concept. My thesis establishes that a legal conceptualisation of home does exist, and that it is reflective of the broader scholarship and individual experiences. Although home lacks a legislative definition, the case law demonstrates an understanding of home as a physical, emotional and psychological feeling and experience. The ‘ordinary’ meaning approach to home does not undermine the legal conceptualisation; it strengthens it. Home is an everyday term; the legal approach reflects an understanding of this and allows for necessary consistency and inclusivity. Home does not need a complicated legal ‘gloss’⁴⁴. Giving home its everyday, ordinary meaning also allows for uniformity across academia and makes way for a more comprehensive, multidisciplinary understanding. The literature review in Chapter 2 draws upon many different disciplines including housing, geography, urban studies, history, economics, anthropology and sociology, in order to analyse the broad concept of home.⁴⁵ The examination also reveals an underrepresentation of legal scholarship on the subject. Analysis of the case law suggests that the courts’ understanding of home is in keeping with the academic perspective, but more legal scholarship is needed to bridge the gap and establish a more multidisciplinary approach to home, including law. Further, although the case law demonstrates a comprehensive understanding of home, it is undeniable that PRS legislation has taken a departure from it in recent years. The shift from assured tenancies to ASTs, and the consequential decrease in security of tenure, challenges some of the core themes of home and thereby the legal conceptualisation thereof. This is explored more in the next section.

³⁹ Radin (1982)

⁴⁰ *Whitehouse v Loi Lee* [2009] EWCA Civ 375

⁴¹ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 31

⁴² Dovey (1985), p.35

⁴³ *Ibid*

⁴⁴ *Uratemp Ventures Ltd v Collins* [2001] UKHL 43 at 16

⁴⁵ See Chapter 2

Pre-Housing Act 1988 Attitudes in a Post-Housing Act 1988 System

Analysis from the empirical research suggests that my participants' views of home are more in keeping with pre-Housing Act 1988 legislation and policies. This is unusual as my participants had not even been born before the Housing Act 1988 was implemented. Still, they believed that PRS tenancies should offer better security of tenure, reminiscent of protected tenancies under the Rent Act 1977. My participants had limited knowledge of the relevant legislation, policies and case law governing their tenancies; it is unlikely that they had detailed knowledge of the pre-Housing Act 1988 housing sector either. Rather, it appears that my participants' views were influenced by their preoccupation with homeownership. As they had lived in owned homes as children and aspire to own their homes in the future, certain aspects of homeownership have shaped their attitudes and ideas of home. Mortgage debts aside, homeownership offers significant security of tenure (indeed, my participants seemed indifferent or oblivious to the commitment and risks of having a mortgage). By contrast, ASTs provide very little promise of long-term occupation. Although my participants did not intend to stay in their current homes forever, there was an overwhelming sense that 'moving on' should be a choice, not an inevitability. My participants were very aware that their occupation was almost wholly dependent on the will of their landlord. This is largely due to s.21 notices that allow a landlord to evict a tenant without reason.⁴⁶

My participants were also critical of their lack of choice in terms of decisions such as decorating their homes or having pets. These things are important aspects of home; this was confirmed by both the academic literature and the interviews. Radin's theory of property and personhood suggests that an individual must be able to exercise control over their environment in order to establish their personhood.⁴⁷ Home is also seen as a symbol of the self⁴⁸; this is not the case if the individual is unable to personalise it as they see fit. Pets are also indicative of home, but my participants were not allowed to have pets in their properties. Their pets were therefore kept with relatives; this effectively created or affirmed another home space elsewhere, complicating the individual's relationship with the home they actually lived in. Compared with their homeowner counterparts, my participants experienced much less choice and control over their home spaces.

Another significant element of my participants' experiences is sharing. Sharing is not exclusively a tenant issue; homeowners also share their home spaces. However, the key aspect is choice. The participants did not choose their housemates; by contrast, most homeowners do.⁴⁹ My participants live in HMOs with once-strangers, and although their relationships have since had time to develop, they are relationships of necessity, not choice. The households are created based on financial motivations, thereby adding an interesting dynamic to their relationships. Moreover, as per the indicators in *Barnes*, they do not actually form a single household; they are treated as separate in law. Their relationships may be as important and fulfilling as any other household, but they are unable to legally claim

⁴⁶ s.21 Housing Act 1988

⁴⁷ Radin (1982)

⁴⁸ Cooper (1995), p.60

⁴⁹ Again, this may not be true of all homeowners, but is reflective of the group overall

themselves as such. Not all members of Generation Rent¹ share their homes; or if they do, they may have more choice as to who they share with. The participants' views on sharing are therefore more likely to be exclusive to this sub-group. Still, their insights into the importance of choice and control are indicative of more widespread views. Their situations also demonstrate the appeal of homeownership; one of the reasons they aspire to own their own homes is the ability to dictate their household and not share facilities with once-strangers.

PRS tenants now experience a lesser version of home than that provided under the Rent Act 1977; this is particularly clear in the decrease in security of tenure and control overall. Tenants may still experience the necessary elements of shelter, personal relationships and some aspects of control. They may even experience ontological security. Still, contemporary tenants face far more challenges than homeowners or their pre-Housing Act 1988 counterparts. My thesis is not intended to undermine the PRS home experience; rather it is intended to support increased security of tenure so that their experiences may improve. Of course, the period between the Rent Act 1977 and the Housing Act 1988 should not be framed as a golden era for tenants. Tenants did not enjoy extensive rights and the sector was not without problems. The PRS requires a careful balance between landlord and tenant rights. To skew too far in favour of tenants risks discouraging landlords from joining or remaining in the sector. The recent announcement that the government intends to repeal s.21 eviction notices suggests that there is room to improve security of tenure without significantly disrupting the balance of the PRS.⁵⁰ Security of tenure is important for establishing and enjoying the home space, but landlords should also have their interests protected, and be able to remove tenants that abuse their rights. This should be satisfied by s.8 notices that provide the right to evict, but only if the tenant is at fault.⁵¹ This allows tenants the peace of knowing they can continue to live in their homes, as long as they adhere to their contract.

My thesis thereby demonstrates that there is a legal concept of home. It has developed across PRS legislation and case law over the last century and reflects an understanding of home in keeping with the broader scholarship. However, the Housing Act 1988 effectively acts as a disjoint in the course of its development. In particular, the lack of security of tenure means that PRS tenants experience a lesser experience of home. Still, the current disjoint does not undermine the legal conceptualisation of home. The legacy exists, evidence of which is in the case law. My participants' experiences may have been limited by their ASTs in some ways, but I also believe their characteristics as members of Generation Rent¹ are partly to blame. This is explored in the next section.

⁵⁰ Available at: <https://www.gov.uk/government/news/government-announces-end-to-unfair-evictions> [accessed July 2019]

⁵¹ s.8 Housing Act 1988

The Janus Syndrome

This chapter has already established that length of occupation is related to an individual's connection with a property, and that it is often used as a signifier of home by the courts. This is particularly prevalent in suitable alternative accommodation cases.⁵² The longer an individual lives in a property, the more likely they are to feel connected to it. Interestingly, some of my participants experienced the reverse effect. Callum said: 'The longer I stay here, the more I want to move on'. This may seem odd considering the fact that most of my participants enjoyed good home experiences overall. Yet, as members of Generation Rent¹, my participants feel strong aspirations of homeownership, and those aspirations have infiltrated their home experiences. Callum cannot enjoy his occupation as it embodies his failure. While ever he is renting, he is not realising his goal of homeownership. His forward-focus is having a detrimental impact on his current home experience. His reference to time also reiterates the idea that renting is a stage of life, not a long-term lifestyle. Elle said: 'I like being a tenant, but maybe that's because I know it's not going to be forever. I feel like it's a part of this stage of my life'.

Terminology surrounding time, such as 'forever', dominated the interviews. My empirical research suggests that temporality is an important aspect of the home, and one that is rarely alluded to in the general scholarship.⁵³ This may be due to my choice of participants; the aspirations of Generation Rent¹ mean that they constantly look to the future. Their experiences and conceptualisations of home are shaped by time. Yet my thesis demonstrates that they are not only forward-looking. Part of my participants' preoccupation with homeownership is the fact that their childhood homes were owned homes. The childhood home is the first experience thereof; it is the benchmark by which all other homes are compared. It is also romanticised by nostalgia. Leigh's reference to the 'smiles' and 'kettle on' nature of her childhood community shows how she has remembered it in entirely positive light. Her current home space, stark with reality, cannot compare to it. To Leigh, the key difference is her tenure. If she wishes to recreate her positive (and idealised) past experience of home, she must become a homeowner.

In terms of home, my participants are simultaneously looking forwards and backwards. This is a key finding of my research. I have decided to call this condition the 'Janus syndrome'. The term was inspired by the Roman god with two faces. The Janus syndrome means that rather than enjoying their current home spaces, my participants are fixated on looking back on their past experiences and looking forward to their future owned homes. The Janus syndrome is thereby inherently linked with temporality. 'Back home' was frequently referenced in my interviews and has multiple connotations, explored above and in Chapter 7. The term is directional and temporal. It is also arguably an insult on my participants' current

⁵² See: *Cresswell v Hodgson* [1951] 2 KB 92

⁵³ Except, for example: Sixsmith (1986)

tenant homes. Kieran said: 'Whenever I go back home and see [my dog], *that's* the feeling of home'. The place described as 'back home' is established as the principal home, despite the fact that Kieran is not actually living there. With tenure in mind, the rhetoric of 'back home' becomes particularly problematic. For my participants, 'back home' is their childhood home; an owned home. My participants clearly link home with homeownership. Indeed, the clue is in the title; homeowner. My participants are renters, not homerenters.

The terminology is emblematic of the fact that homeownership has become the normalised tenure of choice.⁵⁴ Homeownership still features heavily in the current government's political manifesto⁵⁵ and has been recognised by some academics as part of a political agenda for greater social control and to decrease welfare costs.⁵⁶ Over the last century, England has become a nation of homeowners⁵⁷, and the societal norm puts pressure on individuals to achieve the same.⁵⁸ My thesis has not focused on council tenants, but limited social housing stock and schemes such as the 'Help to Buy' have also decreased the number of tenants overall and helped to grow owner-occupation.⁵⁹ The sector has seen a simultaneous push away from tenancies and a pull towards homeownership. Given the social, political, economic and legal circumstances, it is unsurprising that groups such as Generation Rent¹ exist and appear to be growing in scope.⁶⁰ Such issues no longer apply to one generation; they continue to impact young people entering the housing sector. My participants have been shaped by PRS policies and legislation. The importance of the childhood home and the influences of nostalgia are not exclusive to this group, but they do appear to be particularly susceptible to their ongoing influence. Nostalgia for the childhood home coupled with prevailing homeownership policies has resulted in a condition that means my participants cannot enjoy their current tenant homes. The condition is further exacerbated by the terms of their ASTs.

My findings on the Janus Syndrome also cast some doubts on the importance of materiality and homemaking practices that has dominated recent literature on home.⁶¹ Homemaking literature is intended to be inclusive and apply to all home experiences; the physical and emotional homeless are as capable of engaging in homemaking and unmaking practices as homeowners, albeit on a smaller scale. However, homemaking and unmaking are not just acts; they are acts with meaning. Digby states that, 'the accumulation of apparently worthless, unsorted objects in the shopping carts of the homeless can be viewed as the fundamental components of home, lacking only mapping in a (larger) place'⁶². The 'unsorted objects' may indeed be objectively worthless, but the homeless individual that owns them views them as meaningful and thereby imbues them, and any interactions with them, with

⁵⁴ Gurney (1999)

⁵⁵ Available at: <https://www.conservatives.com/manifesto> [accessed August 2019]

⁵⁶ Madigan, Munro & Smith (1990)

⁵⁷ Saunders (1990)

⁵⁸ McKee, Moore, Soaita & Crawford (2017)

⁵⁹ See Chapter 3

⁶⁰ McKee, Soaita & Munro (2019)

⁶¹ See Chapter 2

⁶² Digby (2006), p.186

meaning. The importance of the objects and any interactions with them are thereby completely subjective. Likewise, the same applies to homemaking on a broader scale. It is not the objects or acts themselves that qualify as homemaking; it is the feelings evoked.

Although my participants performed acts indicative of homemaking, to them their actions lacked meaning and were thereby meaningless. For my participants, placing photographs on their mantelpieces did not carry the same emotional gravitas as a homeowner might experience. Moreover, the acts of decorating, placing or storing of possessions were unimportant as they were performed with future homemaking practices in mind. For Callum, painting his walls was pointless as he did not intend to stay around long enough to enjoy it; further, he would only have to paint his 'own' walls in the future. My participants focus on their future homes mean that they lack engagement with their present homes, and thereby do not engage with homemaking. They have removed themselves from the 'home cycle'⁶³ but intend to return to it once they achieve homeownership. A focus on materiality and homemaking may be intended as an inclusive research exercise, but my findings suggests that there are some groups to which the scholarship does not apply.

Summary

This chapter brings together my analysis of the three perceptions of home featured in my thesis. It establishes that there is overlap between the three approaches, and that this is indicative of the universal nature of home. This does not negate subjective experiences but identifies that those experiences share commonalities that correspond with my core themes of home. In this manner, my thesis champions a more multidisciplinary approach to home, inclusive of legal contributions. The chapter reinforces my argument that there is a legal concept of home within PRS legislation and case law. It also recognises that the introduction of ASTs and s.21 eviction notices under the Housing Act 1988 created a disjoint in the narrative. The legacy of the legal concept of home lives on, but presently it is stifled by the limited protections afforded tenants and the lack of flexibility given to the courts.⁶⁴

Abolishing s.21 notices will go some way towards improving security of tenure, but such changes have yet to be implemented. A more multidisciplinary approach to home and increased legal scholarship on the topic will help to build a more cohesive understanding and increase pressure for necessary policy change. According to Bernstein et al: 'The two different worlds of policymaking and qualitative research often appear to be oppositional: policymakers require researchers to provide them with simplified portrayals of social and political life so that they can create policy that can be carried out at a macro, broad national level.'⁶⁵ Donmoyer agrees, arguing that researchers 'normally have a diametrically opposed

⁶³ Baxter & K. Brickell (2014)

⁶⁴ For example, see: *McDonald v McDonald and Others* [2016] UKSC 28

⁶⁵ Bernstein, Layard, Maudsley & Ramsden (2015), p.95

view of oversimplification' and that influencing policymakers should not cost the 'methodological soul'.⁶⁶ There is no doubt a clash between in-depth research and the need for political soundbites. However, a move towards a more multidisciplinary approach with a strong legal representation is the necessary first step towards creating a more nuanced, widespread understanding of home and the impact of tenure. This in turn can inform and persuade policymakers towards necessary change. Traditionally, more emotive research is more likely to trigger change, and there is no more emotionally valued environment than the home space.⁶⁷ This is captured by the chosen quote for this chapter: 'Home isn't where you're from, it's where you find light when all grows dark.'⁶⁸ The PRS should not be a place to be 'stuck' or just a 'stepping-stone' (Leigh) housing option; it should be a viable lifestyle and a place to 'find light'.

Although my thesis focuses on the experiences of a small sample of Generation Rent¹, it offers an important insight into PRS tenancies and wider social and economic issues. Even so, my participants' negative relationships with their home spaces should not undermine tenant experiences and connections overall. My original findings around the Janus Syndrome may be unique to this group, although more research is required. There is no doubt a correlation between time and connection; my participants appear to be the exceptions to the rule and should not be used as an argument against improving security of tenure in the PRS. Rather, their condition is partly a result of their limited security. The Janus Syndrome is an interesting and original concept, and one that requires more research. The next chapter considers opportunities for future research and reflects on my thesis as a whole.

⁶⁶ R. Donmoyer (2012), 'Two (Very) Different Worlds: The Cultures of Policymaking and Qualitative Research', *Qualitative Inquiry*, Vol.9(18), pp.798-807, p.798

⁶⁷ Manzo (2003)

⁶⁸ Brown (2015)

9. Reflections and Future Research

‘At the end of the day, it isn’t where I came from. Maybe home is somewhere I’m going and never have been before.’¹

~ Warsan Shire

Answering the Research Questions

This concluding chapter revisits the research questions and acknowledges any remaining or new questions raised by the thesis. It highlights the strengths of the research and the reasons why it has been an important and ambitious step in the field. Moreover, this chapter addresses the minor limitations of the research, problems related to the thesis, and the steps taken to mitigate these issues. This final chapter outlines the contribution to knowledge, the impact of the thesis and future research needed in this area. Here I revisit my initial aims and objectives, and acknowledge whether they have been met, and to what extent. My thesis seeks to address the following research questions:

1. How far does the pre-Housing Act 1988 conceptualisation of ‘home’ in English legislation and case law relating to the private rental sector correspond to the conceptualisation of ‘home’ in the scholarly literature across disciplines?
2. What are the home experiences of Generation Rent¹, and how far are these shaped by their ASTs under the Housing Act 1988?

In the introductory chapter I outlined how I intended to address each question, and the methods I would use. At the beginning of the research project, I understood and conceptualised ‘home’ not from an academic perspective, but from my own individual experiences and feelings. Despite this, I recognised it as a complex concept; my literature review of home across multiple disciplines only reinforced this impression. I used Maslow’s hierarchy of needs as a framework for my themes of home. The framework helps to understand home as a multidimensional concept, and one with foundational needs. Shelter and the physical home correspond with Maslow’s basic needs. They act as the bottom layer; the foundation on which the home space develops. Maslow’s reference to the psychological and self-fulfilment needs encapsulates the other themes of home. These are personal relationships, control and ontological security. With reference to Maslow’s hierarchy of

¹ O. W. Holmes (2003), ‘Homesick in Heaven’, in *The Poetical Works of Oliver Wendell Holmes* (London: BiblioLife), available: <https://www.poetrynook.com/poem/homesick-heaven> [accessed September 2019]

needs, I established my own diagram in relation to the core themes of home.² Maslow's hierarchy focuses on individualistic needs whereas home is both individual and communal. However, the hierarchy acts as a useful framework to understand home as a multidimensional construct and one that has foundational elements.³

Conducting the literature review thereby armed me with a list of key themes that allowed me to better articulate and recognise home and apply this to the relevant legislation and case law. I was able to utilise the key themes of home to identify the legal signifiers thereof and thereby begin to understand the legal conceptualisation of home. I identified three main signifiers used by the courts to impute and protect the home space: the physical home, home activities and length of occupation. The courts have avoided giving home a legal definition, preferring instead to discuss legislative terminology such as 'dwelling-house' as home decoys. Home is discussed and defined, but not directly. This may invite criticisms of clarity; however, the case law suggests the approach is nuanced and effective. Choosing to avoid giving home a legal 'restrictive gloss' demonstrates the courts' in-depth understanding of home, its importance and the scope for subjective experiences. It corresponds with the approach in human rights law, which affords home an autonomous meaning. The latter suggests that home does have a universal meaning, supporting my analysis of its core themes. However, my thesis demonstrates how the Housing Act 1988 acts as a disjoint in the legal approach to home. This is largely due to the lack of control that PRS tenants now have over their homes. The introduction of s.21 eviction notices mean that private tenants have very little security of tenure, which has emerged as an important theme in my thesis. Security of tenure relates to control and ontological security, which are central themes of home. This thesis has successfully answered the first research question, the details of which can largely be found in Chapters 2, 3 and 5.

To truly assess the efficacy of the cross-academic and legal approach to home, I wanted to incorporate real, individual experiences. I was interested in the socio-economic group Generation Rent¹ and felt that I could easily recruit eligible participants for interviews. Having conducted some research on the group, I was aware that their most defining characteristic was aspirations of homeownership, but an inability to achieve this goal due to financial circumstances.⁴ I theorised early on that this would influence their attitudes, perceptions and experiences of home, but I did not know how or to what extent. I did not anticipate my original findings on the Janus Syndrome. I focused on recent graduates living in London, although I recognise that Generation Rent¹ as a group has evolved and become far more diverse.⁵ As my participants were living in London, their financial struggles in relation to saving for a deposit were magnified. They wholly represented the idea of being 'trapped' in

² See Chapter 2 and Chapter 8

³ See Chapter 2

⁴ McKee & Soaita (2018)

⁵ McKee, Soaita & Munro (2019)

rented accommodation due to the increased expense of living in London and aspiring to own property.⁶

My participants really engaged with the topic. They did not fully understand their rights and responsibilities as tenants, and often they struggled to articulate their views and experiences of home. Both these elements only made their comments more interesting and was sufficient to answer the first half of my second research question.⁷ I determined that their legal understandings were based on a cultural perception, developed by anecdotes and past experiences. They readily identified as tenants, highlighting a strong link between home, law and identity. Despite their lack of legal knowledge, they understood the limitations of their tenancies, particularly in relation to control and security of tenure. They knew they ‘might get kicked out’ (Aaron) without reason. They criticised their lack of choice in terms of decoration and sharing. The latter may not be exclusively a tenant issue, but the household formation is. The group demonstrates that ASTs do impact individual experiences of home, and in a negative manner. Still, the negativity experienced and vocalised by my participants is more complex than this suggests. This relates to the Janus Syndrome, discussed more in the next section.

Contribution to Knowledge

Scholarship on the concept of home is not new. However, within the legal field such research remains in its infancy and has lost traction in recent years. It has also focused almost exclusively on homeownership⁸; research into the relationship between home experiences and renting is limited, and non-existent from a legal perspective. My thesis regenerates the discussion in this area and establishes that there is a legal concept of home. Analysing PRS legislation and case law reveals that the courts understand home in a manner reflective of a cross-disciplinary perspective. Changes in legislation from assured tenancies to ASTs⁹ may have resulted in a disjoint between PRS application and individual expectations, particularly in relation to security of tenure, but the case law suggests that the legal concept of home is more nuanced and reflective of individual understandings. Further, if s.21 eviction notices are repealed¹⁰ it will bring the PRS more in line with the broader legal and cross-academic conceptualisation. My thesis has sought to establish a more cohesive, multidisciplinary understanding of home. It has done so by reviewing the literature on home from multiple disciplines including housing studies, psychology, sociology, architecture, economics, geography and urban studies, and incorporating a legal perspective. My thesis acts as the

⁶ McKee & Soaita (2018)

⁷ See Chapter 6 and Chapter 7

⁸ Fox O’Mahony (2007)

⁹ See Chapter 3

¹⁰ Available at: <https://www.gov.uk/government/news/government-announces-end-to-unfair-evictions> [accessed July 2019]

first socio-legal and empirical investigation into the concept of home. Although it focuses on PRS tenants, it provides an interesting and effective example of how the approach can be applied to other groups, such as homeowners and local authority tenants.

As a relatively contemporary and significant phenomenon, Generation Rent¹ has had much media and scholarly attention. Nonetheless, interest has primarily focused on the reasons for the groups' formation, and how to 'fix' the problem.¹¹ Little research has been conducted regarding the experiences, attitudes and feelings of members of Generation Rent¹ in regards to home, and how they believe their status as tenants impacts their home experience. In doing so, my research has revealed new and interesting insights. I have coined the term 'Janus Syndrome' to describe a condition revealed by my participants. My participants described home in a manner that represented it as multi-spatial and multi-temporal. My literature review also suggested that home is multi-spatial but did not reflect the importance of time, or the impact of nostalgia.¹² The study by Sixsmith suggested that home has a temporal element but did not expand upon its importance or investigate further meanings.¹³ My participants experience home as a past, present and future phenomenon. The past home is their previous childhood home; it is the original home and sets the expectations for future experiences. Their future home is their aspired owned home and is intrinsically connected to their identities as members of Generation Rent¹. Their present home is their tenant home. It is the home in which they currently live, and for the most part offers them a positive experience. My participants hold all of these experiences and ideas of home simultaneously; it is multi-temporal.

Yet this condition has a negative impact on their current home experience. My participants' focus on past experiences and future aspirations mean that they do not fully engage with their current home spaces. Moreover, their preoccupation with their past and future homes, both of which are owned homes, further undermines their tenant home. Aspirations of homeownership relegate their current tenant homes as temporary, which is only further exacerbated by their limited security of tenure. The reason they aspire to homeownership is based on political, social and familial pressures; such pressures are the reasons that Generation Rent¹ exist.¹⁴ As my participants experienced their childhood home in an owned home, this increases the pressure. They want to reimagine their childhood home; of course, the childhood home is just that. An imagination. Their memories have been romanticised by nostalgia of 'back home', reflecting the strong relationship between home and family, and why they may be seen as interchangeable.¹⁵ Importantly, my participants' experiences suggest that home is not dependent on family; many other personal relationships suffice. However, the childhood home and family are closely connected, and my participants still feel

¹¹ For example the government white paper, 'Fixing our broken housing market', available at: <https://www.gov.uk/government/publications/fixing-our-broken-housing-market> [accessed September 2019]

¹² See Chapter 2

¹³ Sixsmith (1986)

¹⁴ McKee, Moore, Soaita & Crawford (2017)

¹⁵ Crow (1989)

that influence, and wish to recreate those experiences for their own families. In this manner, the tenant home space is neglected in favour of romanticised notions of the owned home.

My findings do not undermine the tenant home experience or act as an argument against increasing security of tenure. Rather, it appears that lacking security of tenure is one of the factors. The effects of the Janus Syndrome may be exclusive to this group, but more research is needed. Significantly, the Janus Syndrome highlights the importance of time in relation to the concept of home, and this is likely to have wider implications. The condition also demonstrates the complex relationship between nostalgia, family, home and aspirations, and why the childhood home may be so influential even later in life. My participants' frequent reference to 'back home' is evidence of this, and again demonstrates how the current home experience may be neglected. For my participants, the Janus Syndrome is not only related to their identity and experiences, but their tenure. Although they have only ever experienced renting under the Housing Act 1988, their attitudes to the tenant home is more in keeping with protected tenancies under the Rent Act 1977. Again, this reinforces the legacy of the legal concept of home. The Housing Act 1988 may act as a disjoint in its development, but it does not negate its history. Cases such as *McDonald*¹⁶ demonstrate how contemporary legislation has restricted the courts' ability to protect the home space, but that their understandings of home and its importance remain. Abolishing s.21 eviction notices will help to correct the disconnect, but it is unclear whether it will change my participants' attitudes to renting or their aspirations of homeownership.

Strengths and Limitations

Exploring the experiences of Generation Rent¹ has acted as both a strength and a weakness in my research. Focusing on Generation Rent¹ has narrowed the context of my research; this group is smaller than for example Generation Rent², the latter of which refers to PRS tenants facing financial hardship in the post-financial crash era.¹⁷ My choice to focus on Generation Rent¹ has limited the scope of my research, but in doing so I have provided a comprehensive analysis on the three different definitions of 'Generation Rent' identified in my thesis. The empirical angle acts as an innovative approach to the legal conceptualisation of home, and I believe my chosen participants led to my original findings on the Janus Syndrome. Criticism may also be made of the size of my sample, and that my choice of snowball sampling may have led to a narrow cross-section of the group, and of tenants more generally. As a PhD student I do not have access to unlimited resources, and my sample size and type is reflective of that; I could not explore all PRS home experiences. Still, the sample and nature of the in-depth interviews has provided interesting insights that are indicative of more widespread

¹⁶ *McDonald v McDonald and others* [2016] UKSC 28

¹⁷ This is explored more in Chapter 3

attitudes and opinions. Originally, I planned to do 10 interviews and later decided to do 2 more. This was an ad hoc decision, based on my data. The additional interviews started to provide repeat data, and so I decided not to undertake any more interviews at that stage. To conduct more interviews than is necessary is as unethical as conducting too few.¹⁸ Home is a subjective experience and it is impossible to exhaust all the different ways of articulating it. Still, there developed a pattern of descriptions and themes that corresponded with my literature review. As my interviews were in-depth, they provided significant amounts of good data; I was fortunate that my participants enjoyed discussing the topic in detail. Similar studies have also used a small sample of participants. For example, the phenomenological study on the meaning of home by Sixsmith used a sample of 22 postgraduate students.¹⁹ Upon reflection, there are several other questions I could have asked that may have revealed further interesting data. For example, I could have asked about my participants' income, specific homemaking practices and more general and long-term life aspirations. Using more ethnographic methods may have also revealed more about my participants' home experiences but unfortunately my resources did not allow for this.

As with many research projects, my methodology has acted as both a strength and weakness. My decision to combine elements of phenomenology and grounded theory can be framed as either innovative or problematic, or both. I encountered different attitudes to grounded theory and realised that the approach may be placed on a spectrum in the same way as many other methodologies, ranging from strict to flexible.²⁰ A strict approach would allow for very little pre-research or interest in the topic of study.²¹ As a self-funded PhD student, a strict approach was well beyond my resources. A truly strict approach is a risky endeavour; there can be no certainty that there is anything to discover or analyse before the project has begun. A less strict approach to grounded theory increases the chance of bias in interpreting the data, as a researcher is more likely to find patterns if they anticipate them.²² Bias is a risk in most research projects; as long as the researcher is aware of the risk, they can proactively guard against it. Undertaking a literature review is an important part of a PhD and was vital for my research project. I could not investigate the legal concept of home or analyse my empirical research without first understanding the key themes of home. My analysis is still grounded as I built theory from my data. The importance of nostalgia, temporality and the idea of the 'Janus syndrome' in relation to my participants was entirely developed using grounded theory.

¹⁸ Guest, Bunce & Johnson (2006)

¹⁹ Sixsmith (1986)

²⁰ My methodology was largely shaped by my attendance at the Third Socio-Legal Masterclass at Oxford University, organised by Linda Mulcahy and Marina Kurkchivan. Information available at: https://www.slsa.ac.uk/index.php?option=com_content&view=article&id=313 [Accessed August 2019]

²¹ Allan (2003)

²² Strauss & Corbin (2015)

Phenomenologists are interested in the social life-world, and related experiences. In socio-legal research, phenomenology seeks to explore how law is 'shaped by everyday practices'²³ and vice versa²⁴. The approach was therefore well suited to my research project. This thesis is interested in home experiences, and how this relates to the legal conceptualisation thereof. Phenomenology informed the empirical elements of the project, including the interview structure and questions. The thesis then adopted a grounded theory approach for the data analysis stages, but not in the strictest sense. Combined, the two approaches helped to answer the research questions effectively. I enjoyed the opportunity to adopt a new approach; even with hindsight I believe it has been the best option for my research project. I think an ethnographical approach to my research project would have also provided interesting insights into the experiences of my participants, but again my limited resources made this option unfeasible. One of the main things I have learned as a PhD student, both via my own research and from the anecdotes of other researchers, is that there is no perfect methodology; no perfect method; no perfect research design. Striving for perfection will only end in disappointment; further, in doing so a researcher is exposing their own misunderstanding of the complexity and shortcomings of different research methodologies. It is better to strive for clarity, and this has been my target throughout the project. I think it is important, particularly within the socio-legal sphere, that the problems with methodology, and the challenges of different research projects, are not glossed over but discussed openly and without fear of judgement.

Throughout my thesis I have engaged critically with Maslow's hierarchy of needs. I have not just accepted it as a framing device for my study; I have shaped Maslow's hierarchy in response to my empirical findings which indicate the complex (non-hierarchical) relationships between material, psycho-social, socio-spatial dimensions of home, as well as the socio-legal and temporal dimensions (which my thesis established as important to the larger understanding of home). The hierarchy has helped to conceptualise home as multidimensional and multitemporal. It also provides a visual aid for greater clarity. In my thesis I also refer to the three perspectives of home: cross-disciplinary, legal, and individual. The decision to list them separately was just an analytical device and not to insinuate that they should be treated as separate silos. Rather, my thesis reveals that the three perspectives are interrelated, mutually-constituting, and reinforcing of each other. This is illustrated by the way my interviewees described home; their individual perspectives on home are shaped by social, familial, legal, and economic influences, amongst others.

During my planning stages, I was concerned about my ability to identify too closely with my participants, or my 'insider status'²⁵. I aspire to homeownership, have a similar educational

²³ Blandy (2016), p.31

²⁴ Cotterrell (2006)

²⁵ D. Ganga & S. Scott (2006), 'Cultural "Insiders" and the Issue of Positionality in Qualitative Migration Research: Moving "Across" and Moving "Along" Researcher-Participant Divides', *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, Vol.7(3), available at: <http://www.qualitative-research.net/index.php/fqs/article/view/134/289> [Accessed August 2019]

background and fit within the same age bracket. Consequently, I had to be careful not to empathise with my participants in a manner that impacted the interview dynamic and results.²⁶ I think my ability to empathise with this group was a strength. I was able to communicate with them more effectively than more removed researchers. I could understand their terminology, cultural and popular references, and overall better interpret their meanings. Analysing interviews is always an interpretation; it is a process and subject to bias and error.²⁷ My connection to the participants decreased the scope for error as I could better understand them, but simultaneously increased the chance of bias. As Rose recognises: 'There is no neutrality. There is only greater or less awareness of one's biases'²⁸. To limit the chance of bias I decided to keep a diary during my interviews and wrote down any thoughts that I had during the process; I later revisited these and reflected on my perceptions with the benefit of time and distance. This helped me to analyse my data in a more objective manner.

Moreover, I was not a 'full insider'²⁹. I was aware of my status as the researcher with a greater understanding of the subject matter. As the interviewer, I had more status during the interaction; I controlled the discussion. My participants were more vulnerable due to the fact that they shared their stories and experiences, and in a personal environment; their home. To my participants, I was a guest; it is possible their role as host made them more willing to help. I am aware that my gender and ethnicity may have played a role in the interview dynamic. I found it easier to talk to the female participants, and often these interviews felt more informal. I decided not to explore the role of gender or ethnicity in my research in any great detail, but I recognise that these elements impact home experiences and interview dynamics.³⁰ My thesis is intended as a picture of what connects my participants rather than that which differentiates them; I wanted to explore the connected experiences of Generation Rent¹. Further research is required to see how elements such as gender or ethnicity impact home experiences within this group. I was also aware that I did not have a connection to London. I did not know the city as well as my participants did; further, I did not aspire to live there. However, as my participants were not from London, and many of them were from Northern England, I did not feel that this shaped the discussions in any great manner. In fact, I think our discussions of 'back home' were more interesting and developed, as I could understand the temporal, geographical and emotional elements at play. Although I did not know London well, I did understand the experiences of moving to a new place, and away from

²⁶ P. Maykut & R. Morehouse (1994), *Beginning Qualitative Research: A Philosophical and Practical Guide* (Washington, DC: Falmer)

²⁷ D. K. Watson (1999), *"The way I research is who I am": The subjective experience of qualitative researchers* (Toronto: York University)

²⁸ P. Rose (1985), *Writing on Women: Essays in a Renaissance* (Middletown, CT: Wesleyan University Press)

²⁹ See: L. Serrant-Green (2002), 'Black on black: Methodological issues for black researchers working in minority ethnic communities', *Nurse Researcher*, Vol.9(4), pp.30-44

³⁰ M. Padfield & I. Proctor (1996), 'The Effect of Interviewer's Gender on the Interviewing Process: A Comparative Enquiry', *Sage Publications*, Vol.30(2), pp.355-366

the family home. I regret that my sample did not offer a local's perspective, but again my findings on 'back home' were based on the geographical identities of my participants.

London was chosen as the place most associated with Generation Rent¹. The lobbying group, Generation Rent³, regularly highlight issues facing PRS tenants living in London such as the poor conditions and high cost of rent.³¹ It is the most expensive place to live and to buy property in the UK, especially for first-time buyers.³² Generation Rent¹ live across the UK, but their numbers are most concentrated in London where the costs of a deposit and mortgages are the highest. PwC forecast that London will become a 'city of renters' with estimates that 60% of Londoners will be PRS tenants by 2025.³³ My thesis thereby offers an interesting insight into the home experiences of a growing socio-economic group within the London area. However, the plight of Generation Rent¹ is not exclusive to Londoners. Focusing on London may have placed limitations on my empirical work. For example, issues facing London are not the same as those facing the North-East. Lifestyles also vary by region and this may have some impact on individual attitudes and experiences regarding the home. These issues may have been counterbalanced by the fact that my participants were from different areas of the UK; they all lived in London, but they had all previously lived in other places. However, I would be interested in conducting further research in the future that incorporates a larger sample of members of Generation Rent¹ living in multiple different regions.

Overall, I did not encounter any large problems during the empirical stage of my thesis. The cost of travelling back down to London to conduct the 2 extra interviews was something I had anticipated. One of my participants was difficult to interact with and sometimes only provided one-word answers. This was frustrating for a novice researcher, but upon reflection I realised that answering interview questions is something that not everyone is confident with, particularly if they have not experienced it before. His one-word answers were helpful from an analytical point of view and were sometimes more insightful than a detailed monologue. I found conducting semi-structured interviews to be challenging at first, but repetition made each experience easier and honed my skills. Using the A-Scheme to structure my interviews was difficult but did allow for a more informal and engaging interview.³⁴ Still, my list of prompt questions was invaluable, particularly for less comfortable participants.³⁵ Upon reflection, perhaps I should have asked my participants about their wages so that I could better understand their financial circumstances. However, although money was an important theme for my participants, it did not relate to any new findings.

³¹ See, for example: https://www.generationrent.org/london_s_housing_costs_are_driving_families_away [accessed May 2020]

³² See: <https://www.homesandproperty.co.uk/property-news/buying/first-time-buyers/london-homes-for-firsttime-buyers-where-londoners-can-buy-for-less-than-350k-from-barking-and-a109241.html> [accessed April 2020]

³³ See: <https://www.homesandproperty.co.uk/property-news/more-than-30000-buildto-rent-homes-in-the-pipeline-as-london-becomes-a-city-of-renters-a99386.html> [accessed March 2020]

³⁴ See Appendix 5

³⁵ See Appendix 6

My thesis has incorporated a variety of quotes about home. I decided to do this for a number of reasons. Primarily, the quotes offer an interesting insight into the concept of home, and often reflect the content of each chapter. They also reflect that home is describable, and has universal connotations, supporting one of my main arguments. The quotes add a unique style to my thesis and help to reinforce the importance of home. This chapter's quote is: 'At the end of the day, it isn't where I came from. Maybe home is somewhere I'm going and never have been before.'³⁶ The quote captures the essence of looking forward and looking back, a perfect fit for this chapter but also my findings on the Janus Syndrome.

Impact and Future Research

My research is important not just because it offers new and innovative findings relating to tenants and Generation Rent¹, but because it comprises of individual experiences. The Janus Syndrome means that some individuals are not engaging with their home spaces and are having lesser experiences. This is problematic given that the home is an important and central aspect of life.³⁷ As demonstrated in my thesis, private renting is a growing market; the relationship between home, law and PRS tenants has never been more important. A recent report by the Royal Bank of Scotland (RBS) suggests that renters aged 35-44 will outnumber mortgage holders by 2029.³⁸ This means that Generation Rent¹ will increase in numbers and thereby hold more political power. This is evidenced by the fact that big financial institutions like RBS are planning to develop products which will cater to this sector of the market. This means that Generation Rent¹ is important in social and economic terms, despite the recent media and academic focus on Generation Rent².³⁹ My thesis offers an insight into the experiences of this growing group, the findings of which will be even more important in the decade to follow.

Originally my thesis was intended as evidence for necessary change in the PRS, particularly in relation to security of tenure. I intended to use empirical research to demonstrate how limited security of tenure impacts individual experiences. Although the government now plans to abolish s.21 eviction notices, it does not diminish the impact of my research. My thesis establishes the struggles of individuals living in the PRS with little to no security, and the societal pressures they face to 'move on' to homeownership. There is the possibility that the proposals will not fully develop, and that s.21 notices continue. If this is the case, research such as my thesis is important to reinforce the struggles of private tenants and maintain pressure on the government. If the changes are implemented, more research will need to be done to investigate the effect on individuals, and the legal concept of home overall. With this thesis, I have targeted a gap in the scholarship and focused primarily on PRS tenants. I also hope to encourage more interest on the legal concept of home, particularly in relation to the

³⁶ O. W. Holmes (2003)

³⁷ See Chapter 2

³⁸ See: <https://www.rbs.com/rbs/news.html> [accessed May 2020]

³⁹ See Chapter 3

experiences of other groups and individuals, for example, homeowners and social tenants. I believe my thesis provides an interesting and detailed example of how such research can be accomplished.

My research project has changed significantly over the last three years. Perhaps surprisingly, my initial interests as a prospective PhD student focused on the housing sector in China. Investigating the Chinese housing sector led me to the discovery of a group known as the 'Ant Tribe'⁴⁰. The group reminded me of another socio-economic group; one that I could more readily identify with, i.e. Generation Rent¹. The similarities and differences between the two groups piqued my interest, but I soon realised a detailed comparison would have been too ambitious for a PhD project. Moving forward, I would enjoy the opportunity to revisit my original research plan and explore how different socio-economic groups experience home. I would be interested in comparing the PRS and individual experiences to other European countries and develop my empirical skills further. In the future, I would also like to try some ethnographic methods.

My thesis has successfully answered the initial research questions; however, as with many projects, it has prompted new, related questions. As my thesis focuses on Generation Rent¹, I am now interested to see how other groups experience home from a socio-legal standpoint. I would like the opportunity to apply my research approach to social tenants and homeowners. This would further develop the legal conceptualisation of home and contribute more legal scholarship to the broader definition. With the recent proposal to abolish s.21 notices, I am also interested to see how the PRS adapts and the impact it has on individual experiences, if the proposals are passed. In the future, I would also be interested in revisiting my participants and see if they achieve their aspirations of homeownership, and whether their views on home has changed. A similar anthropological study by Boatright suggested that experiences may not match expectations.⁴¹ I would be interested to see if my participants' expectations are met. Further research is also needed on the Janus Syndrome; whether it impacts other groups and if it has any long-term effects. I have thoroughly enjoyed my academic journey so far, and I am excited to see where it takes me next.

Final Words

My new findings were only possible due to the empirical aspect of my work. My research is based on real lives and investigates real experiences. I would like to end my thesis by

⁴⁰ S. Lian (2010), *Ant Tribe II: Whose Era Is It*. (Chinese: 谁的时代 (2010中国“蚁族”生存报告) (Beijing: Zhongxin Publishing House)

⁴¹ S. P. Boatright (2015) 'Heidegger and Affect studies: A case study of the transition from renting to homeownership', *Subjectivity*, Vol.8(1), pp.25–42

revisiting a few quotes from my participants that I believe reflect the overall findings of my research, and the importance of home. Their insights have been invaluable, and I appreciate their contribution to my work.

Graham:

I do actually like being a tenant, up to a point. There are good things and bad things about it. [...] But I think for a lot of people, renting is a means to an end. Especially people our age. 20-somethings rent while trying to save for a mortgage, so that they can eventually buy their own home. Of course, no one tells you how hard that really is. [...] So here I am, in my mid-to-late-20s, with still no real prospect of moving on anytime soon. And that sort of mentality can start to impact...how did you call it? The home experience. Yeah. How can you enjoy something if it starts to feel like it's not enough? Or if you start to feel like it's the reason you're not moving forward? I can see why people get stuck in renting. It's a vicious circle.

I think it's just that whole 'there's no place like home', isn't it? It's somewhere unique, special...it offers so much. It's somewhere you feel in control and secure. When I first moved in here it didn't feel like home, even though for all intents and purposes it was my home. It was only after a few months, maybe when routine settled in, that it started to feel...homely. [...] To most people a house is just a house. It's only to a few people that that house is a home. It's a connection.

Aaron:

I guess 'home' makes me think of my mum's house. I lived there all my life, like 26 years...she didn't want me to leave. But, it was definitely time [laughs]. It's always been, like, a base, you know? Somewhere you can return to and feel...home [laughs] do you know what I mean? Like sometimes I go back at weekends, it feels like touching base. Everything is...right. Safe, mine...even though it's not mine.

Leigh:

I think the meaning has changed a lot overall. I think it used to be more communal – not just the four walls, but beyond that a bit too. Family, friends, neighbours...it's very personal, and unique. You don't get that feeling anywhere else but home. And I kinda still feel that way. Like, the sense of being surrounded by people. Not just any people – people you like. And I think that makes you feel safe, and loved, and secure. And home should be somewhere like that. It should be your little pocket of heaven.

Part E

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Appendices

Appendix 1
Participant Consent Form

Participant Consent Form

Title of Research Project: I Am How I Live: A Study of Shared Housing in England, and the Relationship between Renting, 'Home' and the Law

Researcher: Molly Matthewman

Contact Details: mmatthewman1@sheffield.ac.uk

Participant Identification Number for this project:

Please initial box

1. I confirm that I have read and understand the information sheet dated _____ explaining the above research project and I have had the opportunity to ask questions about the project.

2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.

3. I understand that my responses will be kept strictly confidential. I give permission for the Researcher and her supervisors to have access to my anonymised responses. I understand that my name will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research.

4. I give permission for my answers to be recorded with an electronic device.

5. I agree that quotes and other information taken from interviews carried out in conjunction with this research project may be used in the research project and in publications or conference presentations. I understand that my name will not be attributed to any quotes taken from those interviews.

6. I agree for the data collected from me to be used in future research.

7. I agree to take part in the above research project.

Name of Participant Date Signature

Researcher Date Signature

(To be signed and dated in presence of the participant)

Once this has been signed by all parties you will receive a copy of the signed and dated participant consent form, the information sheet and any other written information provided to you.

Appendix 2
Participant Information Sheet

Participant Information Sheet

Research Project Working Title

I Am How I Live: A Study of Shared Housing in England, and the Relationship between Renting, 'Home' and the Law

Invitation to Participate

You are being invited to take part in a research project. Before you decide to take part, it is important for you to understand why the research is being done and what it will involve. Please take the time to read the following information carefully and discuss it with others if you wish. Ask the researcher if there is anything that is not clear or if you would like more information.

Please take your time to decide whether you wish to take part.

What is the project's purpose?

This project is intended to explore the impact of tenure on the experience of home. Individuals that fit the 'typical' characteristics of 'Generation Rent' will be interviewed regarding their individual experience and attitude towards home. Members of Generation Rent are typically young, well-educated and live in shared rent accommodation.

You have been chosen as a suitable candidate to take part in the project. You will be a young graduate living in the UK in shared rented accommodation with at least one other person. As a participant, you will be asked to attend a face-to-face interview that will last about 1 hour. During that time, you will also be required to fill in a short questionnaire. The questions will focus on your housing situation and your opinions on the idea of home and how you personally experience it.

Your answers will later be analysed and compared with the other participants' responses.

The project is planned to last until September 2019, however, some of the data may be used in future projects, with your consent.

What type of information will be sought from me and why is the collection of this information relevant for achieving the research project's objectives?

You will be asked a number of personal questions, including your age, gender, occupation and details regarding your housing situation. You will be asked about your experiences of home, past and present, and the factors that you believe affect that experience. The interviewer may ask follow-up questions related to your answers, or ask you to elaborate where necessary. You may refuse to answer any question without providing a reason.

Your answers will directly help us to understand how tenants experience home, and the factors that influence that experience.

Do I have to take part?

Taking part in this research project is entirely voluntary. If you wish to refuse there will be no penalty or loss of benefits to which you are otherwise entitled. You may discontinue participation at any time. If you do decide to take part you will be given this information sheet to keep and be asked to sign a consent form. You can still withdraw at any time and you do not have to give a reason.

What will happen to me if I take part?

You will be asked to fill in a short questionnaire and take part in an interview lasting no more than 1 hour. The questionnaire will involve factual questions such as age, gender and your housing situation. You will be asked to circle the answers that apply to you. You may leave any question blank if you so choose.

The interview will involve 'yes' or 'no' questions, as well as questions that will require a more detailed response. You may be asked to elaborate on your answers. The questions will be related to your living arrangements and your idea of home. You can choose not to answer any question if you so wish.

What are the possible disadvantages of taking part?

The questionnaire and interview will take up approximately 1 hour and 15 minutes of your time. Beforehand you will also be required to read this information sheet and sign the consent form. The project will therefore take up approximately 1 hour and 30 minutes of your time in total.

The interview will give you the opportunity to express your opinions. If the personal nature of some of the questions makes you feel uncomfortable, you can ask the Researcher to end the questionnaire/interview at any time. There is no need to provide a reason.

What are the possible benefits of taking part?

There will be no direct benefit to you taking part, other than your contribution to the research project and its aims and objectives.

What happens if the research study stops earlier than expected?

If the research stops or ends earlier than expected, you will not be directly affected. However, you may provide contact details if you wish to be kept informed.

What if something goes wrong?

If you wish to make a complaint you must contact the Research Supervisor in the first instance. If you are unhappy with their response, you may then contact the Head of the Law Department at the University of Sheffield. The contact details will be provided at the bottom of this information sheet.

In the event of any other questions or concerns, please contact the Researcher.

Will my taking part in this project be kept confidential?

All the information that is collected about you during the course of the research will be kept strictly confidential, and anonymised. You will not be identifiable in any subsequent reports or publications.

Will I be recorded, and how will the recorded media be used?

The interview will be recorded using an electronic device. No other use will be made without your written permission. No one except the Researcher and her supervisors will be allowed access to the original recordings.

You may refuse to be recorded using an electronic device. You do not need to give a reason. If this is the case, the Researcher will take notes of your answers in written form.

The audio recordings of interviews will be transcribed, and the transcripts of the interviews will be stored in locked drawers in the School of Law at the University of Sheffield.

What will happen to the results of the research project?

The results of the research project will be compiled and set out in a doctoral thesis. The results may also be used in various conference presentations and written publications. Your name will not be mentioned in reference to any material obtained in interviews carried out in the course of this research project.

Due to the nature of this research it is very likely that other researchers may find the data collected to be useful in answering future research questions. We will ask for your explicit consent for your data to be shared in this way and if you agree, we will ensure that the data collected cannot be traced back to you before allowing others to use it.

Who is organising and funding the research?

This research is being undertaken as part of a PhD candidature at the University of Sheffield. The project is being funded by the Researcher.

Who has ethically reviewed the project?

This project has been ethically approved via the Law Department's ethics review procedure at the University of Sheffield. The University's Research Ethics Committee also monitors the application and delivery of the University's Ethics Review Procedure across the University. For more information on this procedure, please speak to the Researcher.

Contact for further information

Researcher: Molly Matthewman

Email: mmatthewman1@sheffield.ac.uk

Lead Supervisor: Dr Ting Xu

Email: ting.xu@sheffield.ac.uk

Head of Department: Professor Robert Burrell

Email: r.g.burrell@sheffield.ac.uk

University Address:

The University of Sheffield
Western Bank
Sheffield, S10 2TN
United Kingdom

Thank you for taking the time to read this information sheet. You will be given a copy for further reference, as well as a copy of your signed consent form.

Appendix 3
Participant Information Sheet
2

Participant Information Sheet 2

New data protection legislation comes into effect across the EU, including the UK on the 25th May. This means that we need to provide you with some further information relating to how your personal information will be used and managed within this research project. This is in addition to the details provided within the information sheet that has already been given to you.

The researcher will act as the Data Controller for this study. This means that the researcher is responsible for looking after your information and using it properly. They will do this in line with the University of Sheffield guidelines.

In order to collect and use your personal information as part of this research project, we must have a basis in law to do so. The basis that we are using is that the research is 'a task in the public interest'.

Further information, including details about how and why the University processes your personal information, how we keep your information secure, and your legal rights (including how to complain if you feel that your personal information has not been handled correctly), can be found in the University's Privacy Notice <https://www.sheffield.ac.uk/govern/data-protection/privacy/general>.

Appendix 4
Participant Questionnaire

Participant Questionnaire

Thank you again for agreeing to complete this questionnaire, which will take you around 10 minutes to complete. Please read each question carefully and then write down your answer on the line provided. If you are unsure about any question, please ask the researcher for clarification.

You may leave any question blank without giving a reason. If the question does not apply to you, please write 'N/A' (not applicable).

What is your gender?

What is your date of birth?

What is your nationality?

What is your sexual orientation?

Are you religious? If so, which religion?

Which town/city do you live in?

Which town/city did you spend your childhood?

What is your highest educational qualification?

Do you own the home you live in?

Do you want to own your own home?

How many people do you live with?

Do you share a kitchen?

Do you share a bathroom?

Thank you for completing this questionnaire. Please hand your questionnaire back to the Researcher.

(To be completed by the Researcher)

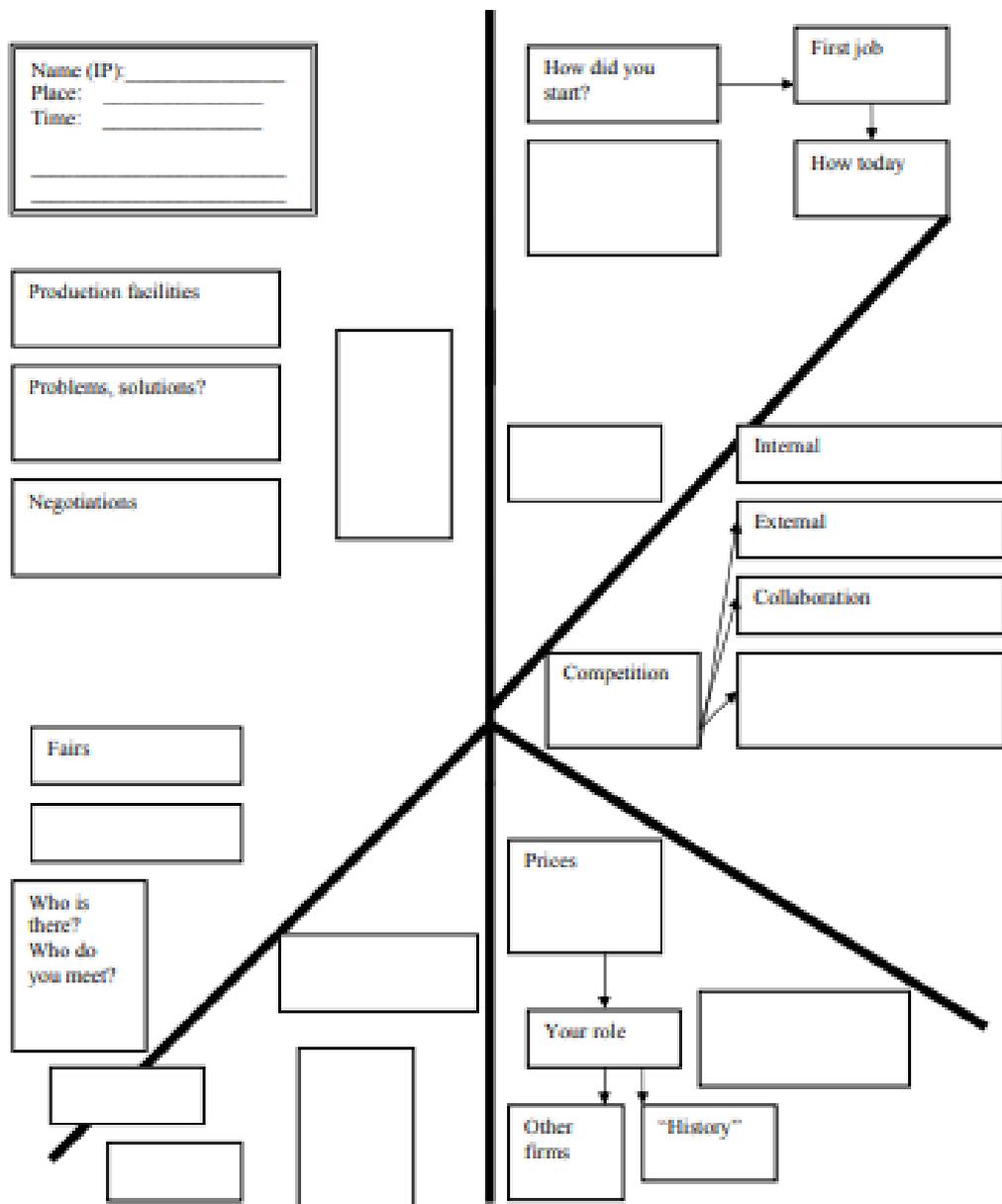
Participant ID:

Time:

Date:

Appendix 5
Aspers' 'A-Scheme' Diagram

Patrik Aspers' 'A-Scheme' Diagram



(Patrik Aspers, 2004)

Appendix 6
**My version of Aspers' 'A-
Scheme' Diagram**

The A-Scheme: Interview Diagram

Participant ID _____
 Date _____
 Time _____
 Place _____

EXPERIENCE OF HOME

Tell me about your experience of home...



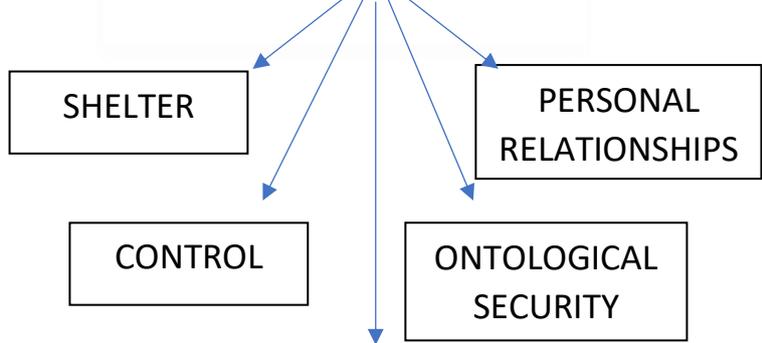
- Can you tell me about your home life?
 - Where do you live?
 - Who do you live with?
 - How long have you lived there?



Any other relevant follow-up questions?

OTHER COMMENTS

THEMES OF HOME



Any other themes identified? _____

 Ask the participant to elaborate _____

LAW AND TENURE

Tell me about your tenancy...



- What type of contract do you have?
 - How long is the contract for?
 - Can you decorate your home?
 - What amenities do you share?

Do you know your rights as a tenant?

HOME-OWNERSHIP

- Why do you want to become a homeowner?
 - Do you feel homeowners experience a better home life? Why?
 - Would you be happier in your current property if you were the owner?

Appendix 7

Prompt Interview Questions

Interview Questions

- 1.** Can you tell me about yourself? (e.g. name, age, where you are from, relationship status...)
- 2.** Do you work? If so, what do you do and for how long? How long is your commute?
- 3.** What is your relationship status?
- 4.** How long have you lived at this property?
- 5.** How much rent do you pay?
- 6.** How many people do you live with?
- 7.** Do you share a bathroom or kitchen area?
- 8.** How did you find this flat/house?
- 9.** How long do you anticipate living here?
- 10.** What would you do if your landlord asked you to leave before that?
- 11.** If you wanted children, could you imagine bringing them up in your current accommodation?
- 12.** Do you aspire to homeownership? Why/why not?

- 13.** Tell me about your experience of home
- 14.** What does 'home' mean to you?
- 15.** What is the most important aspect of home to you?
- 16.** Do you feel at home in this property? Do you feel at home in London?
- 17.** Which rooms do you spend most time in? Do you spend time in them alone or with others?
- 18.** Do you have a good relationship with the other people living here?
- 19.** Do your family or friends visit you here?
- 20.** Do you have any pets? Do they live with you?
- 21.** Do you have a garden or outside area?
- 22.** Do you feel you get enough privacy? Do you have a lock on your door?
- 23.** Can you decorate any part of the flat/house?
- 24.** How much of the furniture belongs to you?
- 25.** Where do you keep any valuable or sentimental possessions?
- 26.** What is your happiest memory of living here?

- 27.** What is your worst memory?
- 28.** What do you like about living here; and in London?
- 29.** What don't you like about it?
- 30.** Do you feel in control of your home environment?
- 31.** Do you like being a tenant? Does renting fit your lifestyle?
- 32.** Tell me about your relationship with your landlord.
- 33.** Do you see your landlord very often?
- 34.** Do you know how many properties your landlord owns?
- 35.** How 'professional' does the landlord / agent seem?
- 36.** What would you do if there was a repair problem, and what sort of response would you anticipate?
- 37.** If you had a problem with damp / disrepair, who would you contact?
- 38.** Do you feel that you are well informed regarding your rights as a tenant?
- 39.** Do you know what type of tenancy you have?
- 40.** Do you feel well protected by the law?

41. Where would you go to find out more information?

42. Who is your local authority?

43. Do you know what a 'HMO' is?

44. Do you feel homeowners are better protected than tenants?

Appendix 8
Participant Demographic
Table

Table 11.1: Participants' Demographic Information

Name	Age	Relationship Status	Nationality	Employment Sector	Sharing ¹	Rent (£pppm)	Occupation ²	Hometown
Aaron	27	Single	White-British	Law	4	450	14	Coventry
Beth	25	Single	-	Marketing	2	750	6	Rotherham
Callum	29	Single	White-British	Finance	5	450	36	Wakefield
Debbie	25	Single	White-British	Hospitality	4	750	24	Barnsley
Elle	23	In a relationship	British	Human Resources	4	650	7	Brighton
Fahim	22	Single	Asian-British	Health	6	600	6	Birmingham
Graham	27	Single	White-British	Sales	5	550	24	Southampton
Hailey	23	Single	British	IT	3	750	12	Liverpool
Isabelle	24	Single	Black-British	Animal Care	4	700	15	Glasgow
James	26	Single	British	Recruitment	5	600	24	Swansea
Kieran	23	Single	White-British	University	4	700	30	Blackpool
Leigh	22	In a relationship	White-British	Law	3	600	10	The Wirral

Source: My empirical research

¹ Refers to the total number of people sharing a communal space in the property (including my participant). This includes either a kitchen or bathroom (or both).

² Total length of occupation; number has been rounded to nearest month based on the participants' responses.

End of thesis