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## Dwelling

For Housing Benefit purposes a “dwelling” is defined in s137(1) of the Social Security (Contributions and Benefits) Act 1992 as follows:

“dwelling” means any residential accommodation, whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

In addition, Regulation 2(4) of the Housing Benefit Regulations 2006 says:

1. For the purposes of these Regulations, the following shall be treated as included in a dwelling -
  - subject to sub-paragraphs (b) to (d) any land (whether or not occupied by a structure) which is used for the purposes of occupying a dwelling as a home where either—
    - the occupier of the dwelling acquired simultaneously the right to use the land and the right to occupy the dwelling, and, in the case of a person liable to pay rent for his dwelling, he could not have occupied that dwelling without also acquiring the right to use the land; or
  - the occupier of the dwelling has made or is making all reasonable efforts to terminate his liability to make payments in respect of the land;
  - where the dwelling is a caravan or mobile home, such of the land on which it stands as is used for the purposes of the dwelling;
  - where the dwelling is a houseboat, the land used for the purposes of mooring it;
  - where in Scotland, the dwelling is situated on or pertains to a croft within the meaning of section 3(1) of the Crofters (Scotland) Act 1993, the croft land on which it is situated or to which it pertains.