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Part 35 Accommodation Report

Evidence-Led
Accommodation
Support

ARKHI CARE

Arkhi Care
20 George Street
Alderley Edge, SK9 7EJ

hello@arkhicare.co.uk
01625 925410



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01. The essentials

What is a Part 35 Accommodation Report?

An independent expert report that sets out a claimant's accommodation needs arising from their injuries and the reasonable cost of meeting them.

Part 35 of the Civil Procedure Rules governs expert evidence in civil proceedings in England and Walse. A report prapared under Part 35 is written for the court, follows the requirements of Practice Direction 35, and ends with a statement of truth and a declaration that the expert understands their duty to the court.

In personal injury and clinical negligence claims, accommodation is often one of the most significant and contested heads of loss. The accommodation expert explains, in clear and reasoned terms, whether the claimant's current home meets their needs, what alternative or adapted accommodation is required, and what it is likely to cost.

A PART 35 REPORT TYPICALLY COVERS

- The claimant's accommodation needs arising from their injuries
- The suitability of their current or pre-injury home
- Recommended accommodation and adaptations, with reasons
- Capital, adaptation and additional running costs
- Assumptions, limitations and any range of opinion

02. Timing

When is an accommodation expert required?

Whenever an injury changes how, or where, a person can live. Expert evidence may be needed on behalf of a claimant or a defendant, or as a single joint expert instructed by both parties.

01

Spinal cord injury

Wheelchair use, transfers, hoisting and level access throughout.

02

Brain injury

Safety, supervision, sensory needs, routine and carer space.

03

Amputation & orthopaedic

Mobility aids, prosthetic use, stairs and bathing.

04

Cerebral palsy & birth injury

Lifetime needs that change from childhood into adulthood.

The earlier, the better

Instructing early, ideally before a property is purchased or a Schedule of Loss is prepared, allows accommodation decisions to be informed by evidence rather than reviewed after decisions have been made.

As the court's permission is required before a party may rely on expert evidence, the need for an accommodation expert should be considered at an early stage of case management.

03. Independence

The role of an Accommodation Expert Witness

CPR

An overriding duty to the court

CPR Part 35 and Practice Direction 35 set out the requirements for expert evidence in civil proceedings in England and Wales.

A party must obtain the court's permission before calling an expert or relying on an expert's report. An expert's report should be addressed to the court and comply with Practice Direction 35, including the required statement confirming that the expert understands and has complied with their duty to the court, together with a statement of truth.

Independence is not a weakness in your case. It is what gives the evidence its weight.

- Independent, objective opinion within our expertise
- Clear reasoning, assumptions and limitations
- Considering material facts that may detract from our opinion
- Stating where an issue falls outside our expertise or where insufficient information prevents a definite opinion
- Communicating any material change of opinion to all parties and, where appropriate, the court



04. The current home

Assessing existing accommodation

A home visit its a vital part of the process. Seeing how the claimant lives day to day gives first-hand insight that drawings and photographs alone cannot. We measure, record and assess whether the current home can meet their needs, now and in the future.

- Layout, circulation and room sizes
- Entrances, levels, thresholds and stairs
- Bathrooms, bedrooms and space for carers
- Structure, services and condition
- Planning context and scope to extend or adapt
- Garden, parking and the surrounding area

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05. The long view

Evaluating future housing requirements

Accommodation must work for the claimant's lifetime, not just for today. Children grow, needs change, conditions may progress and family circumstances shift. We consider each realistic option and explain which best meets the claimant's reasonable needs.

A

Adapt the existing home

Where the property, site and planning context allow suitable adaptation at proportionate cost.

B

Purchase and adapt an alternative property

Where the current home cannot reasonably be adapted, identifying the type of property needed and the works it would require.

C

Extend or build new

Where no suitable property is realistically available, or bespoke design is the only way to meet complex needs.

WE ALSO CONSIDER

- Life expectancy
- Prognosis
- Family size
- Location & support network
- Schools & services
- Future equipment

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06. Feasibility and Costs

Adaptation feasibility and cost considerations

As architects, we test whether proposals can actually be built: structure, planning, building regulations, access and site constraints. Costs are then set out element by element, with the assumptions behind them, so they can be understood and tested.

- Construction cost of adaptations or new build
- Professional fees, surveys and statutory approvals
- Contingency and VAT, including any reliefs that may apply
- Temporary accommodation and removals during works
- Additional running, maintenance and insurance costs
- Future replacement of equipment and fittings

Capital and additional costs

Swift v Carpenter [2020] EWCA Civ 1295 provides guidance on assessing the additional capital cost of suitable accommodation, including the value of the reversionary interest.

The Court of Appeal noted that this guidance should not be applied universally or rigidly, as the circumstances of each case must be considered.

Alongside the capital assessment, we set out the evidence and assumptions behind proposed adaptations and other accommodation-related costs.



07. Inclusive Design

Assessing care requirements and accessibility

Space follows care. We work from the care, OT and medical evidence to understand the support the claimant needs, and translate it into the space a home must provide, without making it feel clinical.

01

Carer accommodation

Sleeping, rest and welfare space for waking and sleeping night carers.

02

Equipment & hoists

Ceiling track routes, transfer zones, charging and storage.

03

Wheelchair circulation

Turning space, door widths, level thresholds and access to every room.

04

Therapy & wellbeing

Space for therapy, hydrotherapy where justified, and quiet retreat.

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08. Report preparation

Report and preparation process

01 **Case referral**
A solicitor or legal representative instructs Arkhi Care with the details of the case.

02 **Case review**
We review the case documents, including medical reports, legal papers and other evidence.

03 **Initial consultation**
We discuss the scope of the report and any specidic requirements or concerns.

04 **Home visit**
We visit the claimant's current home for first-hand insight into how they live and their needs.

05 **Research and analysis**
We assess options, test feasibility and research suitable properties and costs.



06 **Report drafting**

We prepare the accommodation report, detailing needs, recommended solutions and associated costs.

07 **Review**

The draft is shared with the instructing solicitor for comments on factual accuracy and clarity.

08 **Final report**

The final report is completed, verified by a statement of truth and served in accordance with the court's directions.

09 **Joint statement**

Where directed, we discuss the issues with the other party's expert and prepare a joint statement.

10 **Court appearance**

Where required, we present our findings in court or at a tribunal.



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09. Instructing Arkhi Care

What information is required?

For an initial discussion, a brief case summary and key dates are enough. Once the scope has been agreed, the following information will help us prepare the report:

- A letter of instruction setting out the issues and questions to be addressed
- A summary of the case, key dates and relevant court directions
- Medical, Occupational Therapy (OT) and care expert reports, together with the proposed care regime
- Witness statements describing the claimant's day-to-day life
- Existing property plans, photographs and details of the current accommodation
- Any schedule or counter-schedule of loss
- Access arrangements and contact details for the home visit

Not everything needs to be available at the outset. We can advise on the information required for the instruction and agree the next steps.

To discuss a potential instruction, contact our team to establish the scope, timescales and fees.



Court attendance and expert evidence, where required

Our involvement does not end when the report is concluded. We support the case through each stage of the exptert evidence process.

01 **Written questions**

Under CPR 35.6, a party may put proportionate written questions to another party's expert, or a single joint expert, to clarify the report.

Questions may normally be asked once and within 28 days of service, unless the court gives permission or the other party agrees. The expert's answers form part of the report.

02 **Experts' discussion and joint statement**

Under CPR 35.12, the court may direct experts to discuss the issues and, where possible, reach an agreed opinion.

The court may also require a joint statement identifying the issues on which the experts agree and disagree, together with reasons for any disagreement.

Such discussions are not mandatory unless directed by the court.

03 **Court and tribunal attendance**

Where required, we attend hearings to give oral evidence and explain our findings, professional opinions and reasoning.



Why instruct Arkhi Care?

Architects, not just assessors

RIBA chartered architects who design and deliver accessible homes, so our recommendations are buildable and our costs are grounded in real projects.

Uncompromising impartiality

Evidence-led reports that set out reasoning, assumptions and limitations clearly.

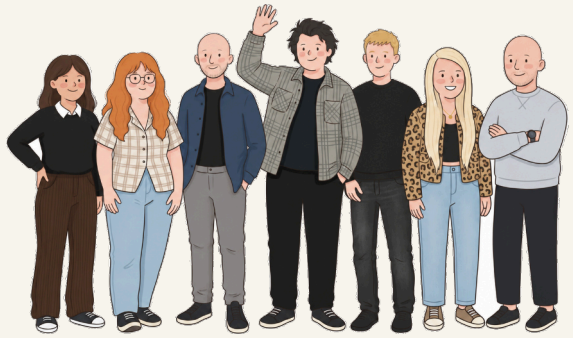
Focused on real-world care needs

We design around how people actually live and are cared for, not around standards alone.

20+
Solicitor firm relationships

15
Years of experience

6
Qualified architects



ARKHI CARE

Empowering lives through architecture

EMAIL

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TELEPHONE

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WEBSITE

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