



**FIRST - TIER TRIBUNAL  
PROPERTY CHAMBER  
(RESIDENTIAL PROPERTY)**

**Case Reference** : **CHI/19UE/MNR/2022/0131**

**Property** : **Lower Farm Cottage, Manston, Sturminster  
Newton, Dorset DT10 1EX**

**Applicant** : **Mr A Blackmore (Tenant)**

**Respondent** : **BPT (Bradford Property Trust) Ltd  
(Landlord) c/o Grainger Plc**

**Date of Application** : **Received 9<sup>th</sup> November 2022**

**Type of Application** : **Sections 13 and 14 of the Housing Act 1988**

**Tribunal** : **Mr R T Brown FRICS Chairman  
Ms C Barton MRICS  
Mr M Woodrow MRICS**

**Date** : **13<sup>th</sup> January 2023**

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**REASONS FOR DECISION**

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### ***Background***

1. The Tribunal gave formal notice of its decision by a Notice dated 13<sup>th</sup> January 2023 that the rent will be **£2,220.00 per quarter (pq)** with effect from 25<sup>th</sup> March 2023.
2. By an application received on the 9<sup>th</sup> November 2022, the Tenant of the above property referred a notice of increase in rent served by the landlord under section 13 of the Housing Act 1988 to the Tribunal.
3. The landlord's notice dated the 13<sup>th</sup> October 2022 proposed a rent of **£2,500.00 pq** with effect from 25<sup>th</sup> March 2023, in place of the current rent of £2,300.00 pq.
4. The tenancy is an assured tenancy. No tenancy agreement was produced but the current tenancy commenced by succession in January 2004. The tenancy is subject to the Landlord's repairing obligations defined in Section 11 the Landlord and Tenant Act 1985.

### ***Property and Inspection***

5. Following the Directions dated 2<sup>nd</sup> December 2022 and the explanation contained therein, the Tribunal did not inspect the premises.
6. Extracting such information as it could from the papers supplied to the Tribunal by the parties, by reference to information publicly available on the internet as well as factual information and findings from the Tribunal's previous decision dated 19<sup>th</sup> December 2019, and with the benefit of its knowledge and experience, the Tribunal reached **the following conclusions and found as follows:**
7. The property is located in a rural location close to the River Stour in the hamlet of Manston about 10 miles north west of Blandford Forum.
8. The property comprises a detached house. It appears to be of solid masonry construction with mainly stone faced elevations under a tiled roof.
9. The accommodation comprises: Entrance hall, 2 living rooms, kitchen, bathroom/w.c and 3 bedrooms. Outside: Garden, outbuildings and driveway.
10. The property is let unfurnished with no floor coverings. There is no central heating and the windows are single glazed.
11. The Tribunal assumed that mains services are available.
12. The Tribunal noted that the property was identified on the Environment Agency Flood Risk Register as being in a 'medium risk' area with a chance of flooding at between 1.00% and 3.30% each year from rivers or sea with a 'low risk' of surface water flooding.

### ***Documents supplied to and considered by the Tribunal***

13. Tribunal Directions.
14. Landlord: Tribunal Reply Form and statement.

15. Tenant: Application, Reply Form and Notice of Increase.

***Landlord's Representations (summarised):***

16. The Landlord says in the Reply Form and attachments:
- a) The property is in fair condition for its age and type.
  - b) Since last rent review secondary glazing has been installed.
  - c) Undated photographs are attached.
17. As to rental value the Landlord refers to two properties being advertised:
- a) Farringdon, Blandford Forum: 3 bedroom semi detached house. Asking rent £3,450.00 pq.
  - b) Terrace Farm Cottage, near Stour Provost: 3 bedroom detached house. Asking rent £3,300.00 pq.
  - c) In arriving at the proposed rent of £2,500.00 pq, the landlord considered the following deductions should be made from a market rent of £3,300.00 pq:  
  
Floor coverings and curtains: £30.00 pq.  
White Goods: £45.00 pq.  
En-suite bathroom: £75.00 pq.  
Tenants Improvements/obligations: £65.00 pq.
  - d) They state that as there is an inadequate supply of property in this area scarcity would apply.

***Tenant's Representations (summarised)***

18. The Tenant says in the Application and a letter to the Tribunal:
- a) The property has been occupied by his family since 1951.
  - b) Improvements have been carried out by the Tenant's family including: installation of electricity and water; replaced various windows; refitted kitchen (50 years ago) and bathroom (20 years ago) and fireplace.
  - c) Grainger's have not done much but neither has the Tenant requested repairs.
  - d) The house is in a flood zone which can be a problem sometimes.
  - e) There is bus service twice a day the Tenant thinks.
19. As to the proposed rent the Tenant makes no submission.

***The Tribunal's Deliberations***

20. The Tribunal found as a matter of fact that the notice was a Notice under section 13 as prescribed by Statute.
21. The Tribunal is required to determine the rent at which the subject property might reasonably be expected to be let in the open market by a willing Landlord under an Assured Tenancy. The personal circumstances of the Tenant or Landlord are not relevant to this issue.

22. The Tribunal checked the National Energy Performance Register and noted that the subject property has a certificate registering the property at G expiring on 4<sup>th</sup> February 2030. The legal minimum standard for letting a property is rating E.
23. Based on the knowledge of its members the Tribunal finds that the market for this type of property is very sensitive to condition and inventory.
24. The Tribunal, acting as an expert tribunal, determined what rent the landlord could reasonably be expected to obtain for the subject property in the open market if it were let today in the condition and subject to the terms of such a tenancy that is considered usual for such an open market letting. It did this by having regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels. Having done so, it agreed with the Landlord that such a likely market rent for a similar modernised property in fair condition with central heating, modern bathroom and kitchen facilities, floor coverings, cooker, washing machine, fridge and an EPC Rating of E or above would be **£3,300.00 pq.**
25. The Tribunal, after careful consideration of the current market conditions and the apparent condition (as submitted by the parties) of the subject property determined to make deductions in respect of issues identified:
  - a) General condition including lack of central heating and poor energy efficiency : £450.00 pq.
  - b) Lack of white goods: £90.00 pq.
  - c) Lack of floor coverings and curtains: £150.00 pq.
  - d) Outdated kitchen and bathroom fittings: £300.00 pq.
  - e) Located in a 'medium' Flood Risk Area: £90.00 pq.Total deduction £1080.00 pq.
26. Accordingly, the Tribunal determined that the market rent for the subject property is **£2,220.00 pq.**
27. The rent will take effect from 25<sup>th</sup> March 2023 being the date specified by the landlord in the notice of increase.

### ***Relevant Law***

28. Sections 13 and 14 of the Housing Act 1988.
29. Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (SI 2015 No.620).

### **RIGHTS OF APPEAL**

1. A person wishing to appeal this decision (on a point of law only) to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office which has been dealing with the case. Where possible you should send your application for

permission to appeal by email to [rpsouthern@justice.gov.uk](mailto:rpsouthern@justice.gov.uk) as this will enable the First-tier Tribunal Regional office to deal with it more efficiently.

2. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
3. If the person wishing to appeal does not comply with the 28 day time limit, the person shall include with the application for permission to appeal a request for an extension of time and the reason for not complying with the 28 day time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal, and state the result the party making the application is seeking.