



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

**Case reference** : **BIR/00CR/OAF/2025/0010**

**Property** : **72 Marlborough Road Dudley DY3 1BL**

**Applicants** : **Lucianne Tuft**

**Representative** : **Adcocks Solicitors**

**Respondent** : **Persons Unknown**

**Representative** : **Not applicable (missing landlord)**

**Type of application** : **Application under sections 21(1) and  
27(5) of the Leasehold Reform Act 1967  
("the 1967 Act")**

**Tribunal members** : **Ian B Holdsworth FRICS  
Vernon Ward FRICS**

**Venue** : **Remote**

**Date of paper  
determination** : **12 December 2025**

**Date of issue** : **05 January 2026**

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**DECISION**

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**Decision of the Tribunal**

- (1) The tribunal determines that the price to be paid by the applicant for the purchase of the freehold on statutory terms is **£2,472**.

## **The Background**

1. This is an application under section 21 (1) (a) of the 1967 Act pursuant to an order made by Deputy District Judge Howard sitting at the County Court at Dudley on 28 July 2025 (“**the order**”).
2. Sections 21(1) and 27(5) of the 1967 Act concerns claims for the purchase of the reversionary freehold interest where the relevant landlord cannot be found. It enables the court to make a vesting order in respect of any interests of the landlord which are liable to acquisition.
3. Under section 27(5)(a) of the 1967 Act, the role of the tribunal is to determine the appropriate sum to be paid into court in respect of the landlord’s interests. This to be done in accordance with section 9 of the 1967 Act.
4. The applicant in this matter is Lucianne Tuft. They are the qualifying tenants of 72 Marlborough Road Dudley DY3 1BL (“**the Property**”) with a long tenancy within the meaning of section 3(1) of the 1967 Act. The respondent freehold owners are the successors in title to Mr William Taylor and Mrs Mary Taylor.
5. The statement of case submitted on behalf of the applicant confirms that following an Application to Court on 26 March 2025, a Part 8 Claim was issued at Dudley County Court for an order pursuant to section 21(1) of the 1967 Act seeking the freehold of the Property.
6. The applicant has been unable to ascertain the whereabouts of the respondents. The applicant subsequently applied for a vesting order under section 27(1) of the 1967 Act. The vesting order was granted subject to the determination of this tribunal.
7. The applicant has provided the tribunal with a valuation report prepared by Mr Geoffrey R Bates BA FRICS, a Consultant Chartered Surveyor acting on behalf of Adcocks Solicitors dated 4 August 2025.
8. Mr G R Bates is of the view that the premium to be paid for the freehold is £2,100 as at the valuation date adopted of 1 April 2025.

## **The Determination**

- i. After scrutiny of the valuation report dated 4 August 2025, the tribunal accepts the opinions expressed by Mr G R Bates save that:

- ii. The Expert has allocated 33% of the Entirety Value to the site value. The tribunal has reviewed the site size, shape and location of the property. It has had regard for the size of the plot the property occupies and the plot sizes of the comparable property transactions submitted by the expert. The dwelling is situated adjacent to a car parking area with a garage at the rear. There are gardens to front and rear of the dwelling.
  - iii. The Upper Tribunal decision, *Sabah El-Gadhy, Zara El-Gadhy v Liverpool City Council (LRA/78/2015)* provides guidance on the matters to consider in determination of the appropriate percentage of the entirety value attributable to the site. In accordance with this guidance and previous Upper Tribunal decisions this tribunal has deemed 37.5 % of the Entirety Value should be adopted as the apportioned site value in the premium valuation.
  - iv. The Standing House value given by the Expert is £167,600. This is based upon the analysis of a single comparable property sale, 12 Bosworth Close at £167,400 in July 2023 and the sale price of £127,500 following the sale of the subject property subject to the 70.3 years unexpired term in April 2022. The tribunal note that the sales of these two properties took place some time ago, and the Standing House value is based upon the average price for these two sales corrected for date of sale and relativity. The tribunal would prefer that the Standing House Value is based upon comparable transaction evidence at the valuation date. This is in accordance with the Upper Tribunal guidance *Properties AY & U Ltd v Barham House Freehold Ltd 2022 [UKUT 231(LC)]* which emphasises the use of a range of comparable sales transactions in valuation of the freehold interest.
  - v. The tribunal has reviewed the valuation made by the Expert and based upon their knowledge and experience at the valuation date has adjusted this average value offered by the Expert with a 7.5 % supplement to reflect the property location, gardens to front and rear and garage with separate access. The 7.5% uplift applied by the tribunal to the proposed value produces a Standing House value of £182,750.
9. An adjusted calculation that adopts the revised Entirety Value parameter as described at paragraphs (i) – (v) results in a freehold purchase premium of **£2,472**. A copy of the tribunal’s valuation is attached to this decision.
  10. Accordingly, the tribunal determines that the premium to be paid in respect of the purchase of the freehold of the property is **£2,472**.
  11. This matter should now be returned to the County Court sitting at Dudley under **Claim Number MOODD206** in order for the final procedures to take place.

Ian B Holdsworth Valuer Chairman

Appendix A : Premium Valuation

<b>Appendix A</b>			
<b>Property: 72 Marlborough Road Dudley DY3 1BL</b>			
<b>Lease Data</b>			
Lease commencement date:	28/04/1712		
Lease Expiry date:	4/27/92		
Length of Term:	380	Years	
Valuation date	1/4/25		
Unexpired term as at valuation date:	67.30	Years	
<b>Rent receivable by landlord :</b>			
Payable from valuation date for 67.3 years	£	-	
<b>Rates:</b>			
Capitalisation rate (%)	7.00		
Defement rate (%)	5.25		
Decapitalisation rate (%)	5.25		
<b>Values</b>			
Entirety Value	£	182,750	
Standing House Value	£	182,750	
<b>Term 1</b>			
Ground rent payable	£	-	
YP @ 67.3 years @ 7%		14.13527	£ -
<b>Total term value</b>			£ -
<b>First Reversion</b>			
Section 15 Ground Rent			
Entirety value		£	182,750
Site apportionment at 37.5% of Entirety value	37.5%	£	68,531
Decapitalisation rate at 5.25%	5.25%	£	3,598
YP @ 50 years @ 5.25%		17.57281	
Deferred @ 67.3 years @ 5.25%		0.03195	
Years Purchase		0.5614	
<b>First Reversion value</b>			£ 2,020
<b>Standing House Value in current condition</b>			
Deferred @ 117.3 years @ 5.25%		0.0025	
Second reversion value		£ 452	£ 452
<b>Freehold Purchase Premium</b>			£ 2,472

## **RIGHTS OF APPEAL**

1. If a party wishes to appeal this decision to the Upper Tribunal (Lands Chamber) then a written application for permission must be made to the First-tier Tribunal at the Regional Office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional Office within 28-days after the Tribunal sends written reasons for the Decision to the person making the application.
3. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must identify the decision of the Tribunal to which it relates (ie, give the date, the property and the case number), state the grounds of appeal and state the result the party making the application is seeking.