



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

<b>Case Reference</b>	:	<b>CAM/33UB/2025/0650</b>
<b>Property</b>	:	<b>4 Hingham Road Great Ellingham Norfolk NR17 1HY</b>
<b>Applicant</b>	:	<b>Andrew Forder (Tenant)</b>
<b>Representative</b>	:	<b>None</b>
<b>Respondent</b>	:	<b>Samphire Homes / Flagship Housing Group (Landlord)</b>
<b>Representative</b>	:	
<b>Type of Application</b>	:	<b>S.13 Housing Act 1988 Determination of a new rent</b>
<b>Tribunal Members</b>	:	<b>Mr N. Martindale FRICS</b>
<b>Date and venue of Meeting</b>	:	<b>2 June 2025 First Tier Tribunal (Eastern) County Court Cambridge CB1 1BA</b>
<b>Date of Decision</b>	:	<b>2 June 2025</b>

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**REASONS FOR DECISION**

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**Background**

- 1 The First Tier Tribunal received an application, before the effective start date of the new rent sought, from tenants of the Property, regarding a notice of increase of rent served by the landlord, under S.13 of the Housing Act 1988 (the Act).
- 2 The notice, dated 18 February 2025, proposed a new rent of £119.18 per week exclusive, with effect from and including 7 April 2025. This rent does not include services.

3 The tenancy is an assured periodic weekly tenancy with effect from and including 26 May 2012. A copy was provided.

4 The rent payable from up to and including 6 April 2025 was £116.05 per week. No furniture or services were included. The landlord provided white goods. The tenant provided carpets and curtains.

### **Directions**

5 Directions, dated 3 April 2025, for the progression of the case, were issued by Legal Officer Laura Lawless. Neither party asked for a hearing.

### **Inspection**

6 There was no inspection. The Property is a 1950's, 2 level semi detached house. It has front and rear gardens. (Google Streetview May 2024). The front elevation is of rendered brick and timber walling, double pitched roofing with concrete single lap tiles. It has full gas fired central heating and double glazing. Accommodation is of 2 bedrooms, bathroom/WC. kitchen and living room. The tenant has carried out minor works and improvements over the period of the tenancy for the last 12 years or so at his own expense; including new front and rear main doors; new walling to the principal rooms, and provision of a new garage.

7 The Property is a semi detached house. The bedrooms are two rooms in the roof, attic rooms/ lined out roof space, with limited head room in places, with two rear mono pitch dormers. It is set within a relatively established residential area in the town.

### **Tenants' and Landlord's Representations**

8 The tenants provided written submissions via Application Form and the completed standard Reply Form. The tenant referred to the various works he had undertaken during the tenancy in default of the landlord as noted above. He included some 7No. A4 sized monochrome photographs taken from inside and out. These showed among other matters, what appeared to be a functional but, basic shower room and kitchen. He also helpfully provided a set of floor plans illustrating the 'attic rooms' of the first floor space.

9 The landlord made representations by reference to market rents sought for some 10No. 2No. bedroom houses in the postcode. These ranged from about £205 to £250 per week. The tenant's view was that the house, without the various improvement and repairs he had undertaken at his expense but, with the basic kitchen and shower room and the very poor EPC rating meant the house was worth only about £100 pw.

- 10 The Tribunal is grateful for such information as was provided by both parties in the application and standard Reply Forms.

### **Law**

- 11 In accordance with the terms of S.14 of the Act we are required to determine the rent at which we consider the property might reasonably be expected to let in the open market, by a willing landlord, under an assured tenancy, on the same terms as the actual tenancy; ignoring any increase in value attributable to tenant's improvements and any decrease in value due to the tenant's failure to comply with any terms of the tenancy. Thus the Property falls to be valued as it stands; but assuming that the Property to be in a reasonable internal decorative condition.

### **Decision**

- 12 From the Tribunal's own general knowledge of market rent levels in Great Ellingham it determines that the subject property would let on normal Assured Shorthold Tenancy (AST) terms, for £225 per week, fully fitted and in good order.
- 13 From the representations; it found however that the Property had suffered from some low quality construction standards from the start some of which the tenant had repaired/ replaced over the years. The Property had functional but basic washing and cooking facilities, the tenant provided carpets and curtains and had a particularly low EPC rating within 'E'. For these significant shortcomings the Tribunal makes a deduction of £50 pw. The new rent will be therefore be £175 per week with effect from the date shown in the landlord's initial notice.
- 14 Although the landlord is not obliged to charge this rent and may charge a significantly lower rent as a result of their own choice, policy, or governmental regulation; they may not charge more than this figure.

**Chairman N Martindale FRICS**

**Date 2 June 2025**

### **Rights of appeal**

By rule 36(2) of the Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, the tribunal is required to notify the parties about any right of appeal they may have.

If either party is dissatisfied with this decision, they may apply for permission to appeal to the Upper Tribunal (Lands Chamber) on any point of law arising from this Decision.

Prior to making such an appeal, an application must be made, in writing, to this Tribunal for permission to appeal. Any such application must be made within 28 days of the issue of this decision to the person making the application (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rule 2013).

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.

The application for permission to appeal must identify the decision of the tribunal to which it relates (i.e., 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.

If the tribunal refuses to grant permission to appeal, a further application for permission may be made to the Upper Tribunal (Lands Chamber).