



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

Case Reference : **HAV/00HR/F77/2025/0634**

Property : **Goathorn Farmhouse
Goathorn
Studland
Dorset
BH19 3BL**

Landlord : **Rempstone Estate Trust**

Representative : **None**

Tenant : **Mr N Warner**

Representative : **None**

Type of Application : **Section 70 Rent Act 1977 (“the Act”)
Determination by the First-Tier Tribunal
of the fair rent of a property following an
objection to the rent registered by the
Rent Officer.**

Tribunal Members : **Mr I R Perry FRICS
Ms C D Barton MRICS**

Date of Inspection : **None. Determined on the papers**

Date of Decision : **28th November 2025**

DECISION

Summary of Decision

On 28th November 2025 the Tribunal determined a Fair Rent of £3,948.50 per quarter with effect from 28th November 2025.

Background

1. On 18th August 2025 the Landlord applied to the Rent Officer for registration of a new Fair Rent for the property in accordance with Section 70 of the Rent Act 1977.
2. The rent was previously registered on 11th October 2023 at a figure of £3,510 per quarter following a determination by the Rent Officer. This rent was effective from 18th November 2023.
3. A new rent was registered by the Rent Officer on 7th October 2025 at a figure of £3,625 per quarter. This new rent was effective from 18th November 2025.
4. On 13th October 2025 the Landlord objected to the new rent and the matter was referred to the First-tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.
5. The Tribunal does not routinely consider it necessary and proportionate in cases of this nature to undertake inspections or hold Tribunal hearings unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.
6. The Tribunal office issued directions on 24th October 2025 which informed the parties that the Tribunal intended to determine the rent on the basis of written representations subject to the parties requesting an oral hearing. No request was made by the parties for a hearing.
7. Both parties were invited to include photographs and video within their representations if they so wished and were informed that the Tribunal might also consider information about the property available on the internet.
8. Both Parties made submissions to the Tribunal which had also been copied to the other Party.
9. These reasons address **the key issues** raised by the parties. They do not recite each and every point referred to either in submissions or during any hearing. However, this does not imply that any points raised, or documents not specifically mentioned were disregarded. If a point or document was referred to in the evidence or submissions that was relevant to a specific issue, then it was considered by the Tribunal. The Tribunal concentrates on those issues which, in its opinion, are fundamental to the application.

The Law

10. When determining a fair rent the Tribunal, in accordance with the Rent Act 1977, section 70, had regard to all the circumstances including the age, location and state of repair of the property. It also disregarded the effect of (a) any relevant tenant's improvements and (b) the effect of any disrepair or other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.
11. In *Spath Holme Ltd v Chairman of the Greater Manchester etc. Committee* (1995) 28 HLR 107 and *Curtis v London Rent Assessment Committee* [1999] QB 92 the Court of Appeal emphasised
 - (a) that ordinarily a fair rent is the market rent for the property discounted for 'scarcity' (i.e. that element, if any, of the market rent, that is attributable to there being a significant shortage of similar properties in the wider locality available for letting on similar terms - other than as to rent - to that of the regulated tenancy) and
 - (b) that for the purposes of determining the market rent, assured tenancy (market) rents are usually appropriate comparables. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparables and the subject property).
12. The Tribunal also has to consider the Rent Acts (Maximum Fair Rent) Order 1999 where applicable. Most objections and determinations of registered rents are now subject to the Order, which limits the amount of rent that can be charged by linking increases to the Retail Prices Index. It is the duty of the Property Tribunal to arrive at a fair rent under section 70 of the Act but in addition to calculate the maximum fair rent which can be registered according to the rules of the Order. If that maximum rent is below the fair rent calculated as above, then that (maximum) sum must be registered as the fair rent for the subject property.
13. The tenancy is a statutory (protected) periodic tenancy and as such (not being for a fixed tenancy of 7 years or more) is subject to section 11 of the Landlord and Tenant Act 1985 which sets out the landlord's statutory repairing obligations; the tenant is responsible for internal decorations.

The Property

14. From the information provided and available on the internet, the property can be described as a double fronted detached farmhouse which is said to have been constructed between 1945 and 1964.
15. The accommodation includes a living room, dining room, kitchen, study, 4 bedrooms, 2 bathrooms, a WC and conservatory. Outside there is a garage, outbuildings and 3 acres of gardens.

16. The property is in a rural position approximately 2.5 miles from Studland village and backs on to Poole Harbour, enjoying sea views towards Brownsea Island.
17. **Evidence and Representations**
18. The original tenancy began on 29th September 1981.
19. The Rent Officer assessed an open market rent for the property of £5,700, equating to £1,900 per month which was then adjusted to £3,625 per quarter which equates to £1,208.33 per month
20. The Landlord's Agent's Appeal Statement dated 7th November 2025 states that the property has central heating partly provided by the Landlord and partly by the Tenant, windows are double glazed and that white goods, carpets and curtains are provided by the Tenant.
21. The provision of central heating is clarified as having been originally installed by the Tenant, but the boiler needed replacing at a later date and this was funded by the Landlord.
22. In addition, the Statement avers that the Tenant has made several improvements including a conservatory erected pre-1900, installing a bathroom in 1994 with the Tenant agreeing to write this off over 15 years, and replacing kitchen fronts in 2022 to be written off over a 5-year period.
23. In addition, the Statement suggests that the floor area of the property is 233 square metres and refers to several comparable properties one of which is let for £1,880 per month but has no sea view, a small semi-detached house let for £1,500 per month and a much smaller mid terrace house let for £1,380 per month.
24. The Landlord's Agent provided several external photographs of the house and gardens which show the outbuildings to be somewhat dilapidated.
25. The Tenant's Statement largely confirms the comments made about the property by the Landlord except that only 3 windows are double glazed, but lists defects including a lack of cavity insulation, open fireplaces, cold and drafty doors and windows whilst stating that overall the condition of the house is good.
26. The Tenant avers that the defects listed cause considerable heat loss and suggests that the property would not gain an Energy Performance Rating of 'E' or better. The Tenant states specifically that "the House has never had an EPC grading, and we believe would not gain an 'E' grading which means it could not be relet in current condition".
27. The Tenant describes the property as being in an isolated position with access over a National Trust unmade track which crosses a ford which is impassable at high spring tides although there is an alternative but longer

way round. The Tenant has lived there since 1982 and states that there is a padlocked gate between the Estate and the National Trust land.

28. The Tenant understands that the Maximum Fair Rent Order will apply to the property “because we’ve been tenants since 1982”. He avers that the Fair Rent assessed by the Rent Officer at £3,625 per quarter was correct.

Determination and Valuation

29. The Tribunal first considered whether it felt able to reasonably and fairly decide this case based on the papers submitted only, with no oral hearing. Neither party had requested an inspection or hearing. Having read and considered the papers it decided that it could do so.
30. In the first instance the Tribunal determined what rent the Landlord could reasonably be expected to obtain for the property in the open market if it were let today in the good condition that is considered usual for such an open market letting. The Tribunal is required to consider rents over a wide geographical area.
31. Market rents are usually expressed as a figure per month, and a letting would normally include floorings, curtains and white goods to all be provided by the Landlord.
32. To let a property the owner must provide an Energy Performance Certificate with a rating of ‘E’ or above. Properties which have been subject to a tenancy since before the implementation of Energy Performance ratings are not yet subject to any sanction and the Tenant has not produced any evidence to support his assertion that the property would fail to reach this standard if a certificate was required.
33. In determining an ‘open market rent’ the Tribunal had regard to the evidence supplied by the parties and the Tribunal's own general knowledge of market rent levels in the area of south Dorset.
34. Whilst appreciating that the position of the property is unique there are houses within a wider area that offer similar accommodation. Having done so it concluded that such a likely market rent would be £2,500 per calendar month. Rents are normally quoted as a monthly figure.
35. However, the property was not let in a condition considered usual for a modern letting at a market rent. Therefore, it was first necessary to adjust that hypothetical rent of £2,500 per calendar month particularly to reflect the fact that the carpets, curtains and white goods were all provided by the Tenant which would not be the case for an open market assured shorthold tenancy.
36. Further adjustments were necessary to reflect the Tenants liability for internal decoration, provision of a share of the central heating, poor energy performance, refitting of bathroom and kitchen.

37. The Tribunal therefore considered that this required a total deduction of £530 per month made up as follows:

Tenant's provision of carpets and curtains	£75
Tenant's provision of white goods	£30
Tenant's liability for internal decoration	£75
Tenant's refitting of bathroom	£50
Tenant's improvement to kitchen	£125
Tenant's provision of 50% of heating	£125
Poor energy rating	<u>£50</u>
TOTAL deductions per month	£530

38. The Tribunal noted the number of properties available to rent in the wide area of south Dorset as advertised on Rightmove and Zoopla and concluded that there was no substantial scarcity element in the area.

Decision

39. Having made the adjustments indicated above the Fair Rent determined by the Tribunal for the purpose of section 70 of the Rent Act 1977 was accordingly £1,970 per calendar month equating to £5,910 per quarter.
40. The Section 70 Fair Rent determined by the Tribunal is above the maximum fair rent of £3,948.50 per quarter permitted by the Rent Acts (Maximum Fair Rent) Order 1999 details of which are shown on the rear of the Decision Notice and accordingly we determine that the lower sum of £3,948.50 per quarter is registered as the Fair Rent with effect from 28th November 2025, this being the date of the Tribunal's decision.

RIGHTS OF APPEAL

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case.
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.