



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

**Case Reference** : **BIR/31UH/F77/2025/0030**

**Property** : **18 Hall Gate  
Diseworth  
Derbyshire  
DE74 2QJ**

**Tenant** : **Mr & Mrs Smith**

**Landlord** : **Miss J E Adkin**

**Date of Objection** : **13<sup>th</sup> September 2025**

**Type of Application** : **Section 70 Rent Act 1977**

**Tribunal Members** : **Mr G S Freckelton FRICS  
Mrs K Bentley**

**Date of Decision** : **10<sup>th</sup> March 2026**

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**DECISION**

**The sum of £84.50 per week will be registered as the fair rent with effect from 10<sup>th</sup> March 2026 being the date the Tribunal made the Decision.**

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## REASONS FOR THE DECISION

### Background

1. Following an objection from the Landlord to the determination of a fair rent by the Rent Officer, the Tribunal has made a determination under the provisions of the Rent Act 1977.

### Inspection

2. The Tribunal did not inspect the property but considered this case on the basis of the papers provided by the parties and having regard to its own knowledge, expertise and online research.

### Evidence

3. The Tribunal has considered the written submissions provided by the Tenant and the Landlord.
4. From the information provided it appears that the subject property comprises of a semi-detached house with no central heating or double glazing. The accommodation affords one living room, kitchen, utility room and W.C on the ground floor. On the first floor are two bedrooms and bathroom. There is a garden, store and car parking space.
5. The tenants submit:
  - a) The walls have no cavity and therefore no cavity insulation.
  - b) There is damp through the solid floors.
  - c) They have fitted some reflective internal insulation to external walls.
  - d) There is no dampproof course.
  - e) They have fitted fan and storage heaters.
  - f) Many of the windows are in poor condition.
  - g) The roof is covered in the original slates.
  - h) Due to the proximity of East Midlands Airport, there is noise and air pollution. In addition, holiday makers park cars in the village.
  - i) The extension to an adjacent property has resulted in loss of light and privacy.
  - j) They have fitted 3 new windows and the bathroom floor.
  - k) They have fitted air bricks.
6. The landlord submits that:
  - a) The proposed increase does not reflect the true value of the property.
  - b) The house is situated in a very desirable rural village.
  - c) The rent paid is significantly below the market value of the property.

- d) Although the rental calculation in reference to RPI is appreciated, this does not reflect the value of the property.

## Determination and Valuation

7. On consideration of the comparable evidence proved by the parties, that forwarded by the Rent Officer and the Tribunal's own expert knowledge of rental values in the area, the Tribunal considers that the open market rent for the property in a satisfactory condition would be in the region of £280.00 per week. From this level of rent, the Tribunal has made adjustments in relation to the following:

- a) The condition of the property:
- |   |        |
|---|--------|
| Lack of insulation and damp to floors and walls | £20.00 |
| No central heating                              | £44.00 |
| No double glazing                               | £30.00 |
| Original roof in need of repair/upgrade         | £15.00 |
| General upgrades to kitchen and bathroom        | £15.00 |
- b) Improvements made by the Tenant:
- |   |        |
|---|--------|
| Fitted air bricks, repaired bathroom floor and fitted 3 new windows | £15.00 |
|---|--------|
- c) Curtains, carpets and white goods fitted by the Tenant £25.00
- d) The Tenant's liability to redecorate

8. The Tribunal has also made an adjustment for scarcity using their own general knowledge and experience. The Tribunal considers that in the wider geographical area there is no imbalance of supply and demand impacting on rental values and has, therefore, not made a reduction for scarcity.

9. The full valuation is shown below:

Market Rent	£280.00
<u>Less</u>	
a) Items given under a) above	£124.00
b) Items given under b) above	£ 15.00
c) Items given under c) above	£ 25.00
d) <u>Tenant's internal decoration liability @ 5%</u>	<u>£ 14.00</u>
	<u>£178.00</u>
	£102.00

10. The Tribunal determines an uncapped rent of £102.00 per week. The Tribunal notes the landlord's submission in respect of the rent being linked to RPI but the Rent Acts (Maximum Fair Rent Order) Order 1999 does limit the amount of any increase permitted.

## **Decision**

11. The uncapped fair rent determined by the Tribunal, for the purposes of section 70, is therefore £102.00 per week. The maximum fair rent permitted by the Rent Acts (Maximum Fair Rent) Order 1999 is £84.50 per week. This therefore limits the fair rent to be registered because it is above the maximum fair rent of £84.50 per week prescribed by the Order. The calculation of the capped rent is shown on the decision form.

**Chairman: G S Freckelton FRICS**

**Date: 10<sup>th</sup> March 2026**

### **APPEAL PROVISIONS**

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 statement of reasons (regulation 52 (2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013) stating the grounds upon which it is intended to rely in the appeal.

## Notice of the Tribunal Decision

Rent Act 1977 Schedule 11

**Address of Premises**

18 Hall Gate  
Diseworth  
Derbyshire  
DE74 2QJ

**The Tribunal members were**

Mr G S Freckelton FRICS  
Mrs K Bentley

**Landlord**

Miss J E Adkin

**Tenant**

Mr & Mrs Smith

1. The fair rent is

£84.50

Per

week

(excluding water rates and council tax but including any amounts in paras 3&4)

2. The effective date is

10<sup>th</sup> March 2026

3. The amount for services is

N/A

Per

-

4. The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is

N/A

Per

-

5. The rent ~~is~~/is not to be registered as variable.

6. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 apply (please see calculation overleaf).

7. Details (other than rent) where different from Rent Register entry

8. For information only:

The fair rent to be registered is not limited by the Rent Acts (Maximum Fair Rent) Order 1999, because it is below the maximum fair rent of £XXX permitted by the Order/ The fair rent to be registered is limited by the Rent Acts (Maximum Fair Rent) Order 1999, because it is above the maximum fair rent of £XXX permitted by the Order.

Chairman

G S Freckelton FRICS

Date of decision

10<sup>th</sup> March 2026

# MAXIMUM FAIR RENT CALCULATION

<b>LATEST RPI FIGURE</b>	<b>X</b>	406.4			
<b>PREVIOUS RPI FIGURE</b>	<b>Y</b>	378.4			
<b>X</b>	406.4	<b>Minus Y</b>	378.4	<b>= (A)</b>	28.0
<b>(A)</b>	28.0	<b>Divided by Y</b>	378.4	<b>= (B)</b>	0.0739

**First application for re-registration since 1 February 1999 YES/NO**

**If yes (B) plus 1.075 = (C)**

**If no (B) plus 1.05 = (C)** 1.1239

**Last registered rent\*** 75.00 **Multiplied by (C) =** 84.29

\*(exclusive of any variable service charge)

**Rounded up to nearest 50p =** £84.50

**Variable service charge** **NO**

**If YES add amount for services**

**MAXIMUM FAIR RENT =** **£84.50** **Per** **week**

### ***Explanatory Note***

1. The calculation of the maximum fair rent, in accordance with the formula contained in the Order, is set out above.
2. In summary, the formula provides for the maximum fair rent to be calculated by:
  - (a) increasing the previous registered rent by the percentage change in the retail price index (the RPI) since the date of that earlier registration and
  - (b) adding a further 7.5% (if the present application was the first since 1 February 1999) or 5% (if it is a second or subsequent application since that date).

A 7.5% increase is represented, in the calculation set out above, by the addition of 1.075 to (B) and an increase of 5% is represented by the addition of 1.05 to (B).

The result is rounded up to the nearest 50 pence.
3. For the purposes of the calculation the latest RPI figure (x) is that published in the calendar month immediately before the month in which the Tribunal's fair rent determination was made.
4. The process differs where the tenancy agreement contains a variable service charge and the rent is to be registered as variable under section 71(4) of the Rent Act 1977. In such a case the variable service charge is removed before applying the formula. When the amount determined by the application of the formula is ascertained the service charge is then added to that sum in order to produce the maximum fair rent.