



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

Case reference : HAV/29UH/F77/2025/0639

Property : 17 Plantation Lane, Bearsted, Maidstone,
Kent, ME14 4BH

Applicant landlord : London & Capital Housing Limited

Representative : Ms Adile Dalgic,
The Crestbourne Group

Respondent tenants : Mr D E Stewart and Mrs J Stewart

Representative : None

Type of application : Determination of a Fair Rent
Section 70, Rent Act 1977

Tribunal members : Mr J G G Wilson MRICS FCI Arb
Mr M C Woodrow MRICS

Date of consideration : 12 January 2026

Date of decision : 12 January 2026

DECISION

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Decision of the Tribunal

On 12 January 2026 the Tribunal determined a Fair Rent of £180.50p (One Hundred and Eighty Pounds and Fifty Pence) Per Week to take effect from 12 January 2026.

Background

1. On 2 September 2025 the landlord's Agent (Ms Adile Dalgic of The Crestbourne Group) submitted an application for re-registration of Fair Rent ('RR1') to the Rent Officer to register a fair rent of £1,000 per Calendar Month for 17 Plantation Lane, Bearsted, Maidstone, Kent, ME14 4BH ('the property').
2. Paragraph 7 of the RR1, 'Include any amount for services and/or furniture provided by the landlord...' is blank. However, in paragraph 8 it is confirmed that no services are provided under the tenancy. Similarly, in paragraph 9, it is confirmed that no furniture is provided under the tenancy.
3. This was an application to re-register the fair rent from its previous registration of rent for the property by the Rent Officer of £136.00 per Week, effective from 18 January 2022. In its January 2022 decision, under Remarks, the fair rent to be registered is the maximum fair rent as prescribed by the Rent Acts (Maximum Fair Rent) Order 1999. The uncapped rent was £157.00 per Week.
4. At paragraph 12 of the RR1, the rent now is stated as £588.88 per Calendar Month.
5. A new rent of £181.50 per Week was registered by the Rent Officer, effective from 23 October 2025. The amounts for (d) Amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance and for (e) Noted amount attributable to services are both blank. The uncapped rent is stated as £182.84 per Week.
6. In a letter dated 3 November 2025 to The Valuation Office Agency ('the VOA') (sent to NSO Helpdesk (VOA)) Mrs Jacqueline Stewart submitted the tenants' objection to the new rent registered and the matter was referred to the First-Tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.
7. The Tribunal issued Directions dated 26 November 2025. The Tribunal does not consider it necessary and proportionate in cases of this nature neither to undertake an inspection, nor to hold a Tribunal hearing unless either are specifically requested by either party or a particular point arises which merits such an inspection and/or hearing.
8. The Tribunal in its Directions informed the parties that, unless either party objected, the Tribunal intended to determine the rent on the papers (written representations), paragraph 5.
9. Similarly, the parties were informed the Tribunal will not inspect the property but will seek to view it on the internet; and goes on to say if it considers it necessary, it may carry out an external inspection, paragraph 6.

10. The parties were directed to complete and return their Fair Rent Appeal Statement ('Statement') to form their statement of case, within specific time limits, paragraphs 8 – 12 inclusive. The Statement provides for photographs to be attached, to assist the Tribunal to understand the case and to help the party to present the issues.
11. Whereas the landlord's representative has not submitted a Statement, Mrs Stewart on behalf of the tenants has done so. Mrs Stewart's Statement has been given in accordance with the Tribunal's Directions.

The Property

12. 17 Plantation Lane is an end of terrace, two-story house with a plaque on the front elevation which reads 'New Tree Villas 1902'. Originally it would have been of traditional brick construction with a pitched roof. Subsequently, the elevations have been rendered and the roof is artificial slate.
13. Plantation Lane runs in a west to east direction in between The Landway and Roseacre Lane. Junction 7 of the M20 is to the northwest, Mote Park is to the southwest and the nearest railway station is Bearsted to the northeast. Number 17 is on the northern side of the road.
14. The property is described in the Rent Register as a terraced house, circa 1800-1918, without central heating, with accommodation comprising: ground floor – two rooms and one kitchen, first floor – two rooms and one bathroom/WC, and outside – stores and garden.

The Tenancy Agreement

15. The Tribunal has not been provided with a copy of the tenancy agreement, although from the RR1 it is understood to have commenced on 24 May 1971.
16. The tenant is responsible for the payment of Council Tax and Water Rates. Section 11 of the Landlord and Tenant Act 1985 ('the 1985 Act') applies. The tenant is responsible for internal decorations. The landlord is responsible for repairs and external decorations. Neither furniture nor any services are provided under the tenancy.

Submissions – Fair Rent Appeal Statements

17. The Tribunal has considered the case *de novo* (from anew) and has limited its considerations to reach its decision to those points in the papers relevant to the determination of the fair rent.
18. In addition to the RR1 submitted by Ms Dalgic, Mrs Stewart submitted her Statement on 23 December 2025. Mrs Stewart confirms the information in the Rent Register is accurate, other than the rent.
19. Mrs Stewart's description of the property aligns with that of the Rent Register: ground floor – lounge, dining room and kitchen, first floor – two bedrooms and one bathroom/WC.
20. Under 'Features', Mrs Stewart says the property has off-street parking and private gardens.

21. Under 'Improvements', Mrs Stewart refers to the consultation with the Rent Officer at the property on 10 October 2025. Mr and Mrs Stewart attended the consultation. The landlord did not send a representative. Mrs Stewart says "The Rent Officer report of the visit on 10/10/25 contains inaccuracies. There are no new taps in the bathroom. There is no secondary glazing. The screeded kitchen floor was done by the tenant in appx 1988. There is no replacement rear door. No new sash cords anywhere [sic]."
22. Under 'Disrepair/Defects' Mrs Stewart says "Sitting room – windows do not open / dining room – windows do not open + unsafe floorboards / front bedroom – damp patch on ceiling / front bedroom windows do not open / back bedroom windows do not open / bathroom not updated since 1971 / kitchen not updated since 1988."
23. Under 'Any Other Comments' Mrs Stewart says "Outside has big cracks running the vertical length of house / rent increased by 33% despite limited improvements / back yard floods in rainy weather."
24. Mrs Stewart makes no submissions of her assessment of the rental value, whether the Maximum Fair Rent Order is to apply or not, and whether demand exceeds supply for the property.
25. The Tribunal has also been provided with a copy of the tenants' letter to the Rent officer dated 21 September 2025 in which the consultation is requested. In their letter, Mr and Mrs Stewart refer to: a few bad repairs in March 2023, a bad leak in the kitchen in January 2024, and a Gas inspection on 1 September 2025.

The Law

When determining a fair rent, the Tribunal, in accordance with the Rent Act 1977 ('the Act'), 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 any other defect attributable to the tenant or any predecessor in title under the regulated tenancy, on the rental value of the property.

In *Spath Holme Ltd v Chairman of the Greater Manchester & Lancashire Rent Assessment 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 comparable lettings. (These rents may have to be adjusted where necessary to reflect any relevant differences between those comparable lettings and the subject property).

26. Section 72A - Amounts attributable to services: In order to assist authorities to give effect to the housing benefit scheme under Part VII of the Social Security Contributions and Benefits Act 1992 or to assist the Secretary of State in the administration of universal credit, where a rent is registered, there shall be noted on the register the amount (if any) of the registered rent which, in the opinion of the rent officer or appropriate tribunal, is fairly attributable to the provision of services, except any amount which is negligible in the opinion of the officer or, as the case may be, the tribunal.
27. The Tribunal is also to have regard to the Rent Acts (Maximum Fair Rent) Order 1999 ('the Order'), 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 Price Index ('RPI'). 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.
28. 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.
29. Section 2(7) of the Order is as follows, 'This article does not apply in respect of a dwelling-house if because of a change in the condition of the dwelling-house or the common parts as a result of repairs or improvements (including the replacement of any fixture or fitting) carried out by the landlord or a superior landlord, the rent that is determined in response to an application for registration of a new rent under Part IV exceeds by at least 15% the previous rent registered or confirmed.'
30. 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.

Considerations and Valuation

31. Having reviewed the papers, the Tribunal first considered whether it felt able to decide this case reasonably and fairly based on the papers submitted only, with neither an inspection, nor an oral hearing. Having read and considered the papers the Tribunal decided it could do so.
32. In the first instance the Tribunal determined the market rent per calendar month (per week) the landlord could reasonably expect to receive on the valuation date, 12 January 2026, on the assumptions the property was in good condition, with carpets (flooring coverings), curtains and white goods provided by the landlord.
33. The Tribunal has been provided with a screen shot of the Rent Officer's markets rents of terraced houses with three and four rooms in the ME14 postcode. The dates range from 1 November 2024 to 7 October 2025 with rental values from £161.54 per Week up to £357.69 per Week. The

Tribunal has also been provided with a screen shot of the Rent Officer's valuation of the property to the uncapped rent of £182.84 per Week, in which the market rent is £288.46 per Week (to equal £15,000 per Annum or £1,250 per Calendar Month).

34. To determine the market rent, the Tribunal notes that neither party has provided any valuation evidence. The Tribunal has considered the screen shots from the VOA, and its own general knowledge of market rents in the Maidstone area.
35. Having consulted the National Energy Performance Register online, the Tribunal noted the property to have an Energy Performance Certificate ('EPC') Rating of 'G' and a recorded floor area of 77 M² (square metres).
36. Taking the above into consideration and of its own general knowledge of market rents in the area, at the valuation date, the Tribunal determined the market rent of the property to be £1,250 per calendar month, before any adjustment(s) which it deemed appropriate to be applied.
37. From the submissions given by Mrs Stewart in her Statement and her letter to the Rent Officer dated 21 September 2025 and the information provided by the Rent Officer, the Tribunal has determined adjustments are required to be applied to the market rent to reflect: (1) no central heating, (2) no double glazing (poor thermal insulation), (3) the tenants provision of carpets (floor coverings) and curtains, (4) the tenants provision of the White Goods, (5) the tenants internal decorations' obligation, (6) the unmodernised kitchen, (7) the unmodernised bathroom/WC, and (8) general disrepair of the property.
38. The Tribunal concluded a deduction in aggregate of £380 per calendar month be applied to the market rent, made up of as follows:

No Central Heating	£100
No Double Glazing (poor thermal insulation)	£25
No Carpets (floor coverings) and Curtains	£25
White Goods	£30
Internal decorations' obligation	£25
An unmodernised kitchen	£75
An unmodernised bathroom/WC	£50
General disrepair	<u>£50</u>
£ Per Calendar Month	£380

39. £1,250 per calendar month minus £380 per calendar month to equal £870 per calendar month (to equal £10,440 per annum or £200.77p per Week).
40. Turning to the question of scarcity, that is whether the demand for such properties exceeds the supply, neither party has given any evidence on the subject. The Rent Officer has made a deduction from its adjusted market rent of 5% for the same. With its general knowledge of the lettings market in the area, the Tribunal has concluded there is no adjustment required for scarcity in this registration of fair rent.

Accordingly, the uncapped fair rent is £201.00p per Week, when rounded up to the nearest 50 (Fifty) pence.

41. The Tribunal is required to calculate the maximum fair rent prescribed by the Order in which the sum attributable to services is 'nil'. The Tribunal has calculated the maximum fair rent prescribed by the Order to equal £180.50p (One Hundred and Eighty Pounds and Fifty Pence) per Week, when rounded up to the nearest 50 (Fifty) pence.

Decision

42. Accordingly, the Tribunal determined the Fair Rent of the property to be re-registered at **£180.50p (One Hundred and Eighty Pounds and Fifty Pence) Per Week, to take effect from 12 January 2026.**
43. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 do apply because the rent determined at paragraph 39 above is greater than that prescribed by the Order.

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 a 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 days' 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 days' 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.