



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

Case reference : HAV/18UG/F77/2026/0002

Property : 31 Huxham's Cross, Dartington, Totnes,
Devon, TQ9 6NT

Applicant landlord : West Ella Holdings Limited

Representative : Mr S M Bladon
West Ella Finance Limited

Respondent tenant : Mrs J Slocombe

Representative : None

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

Tribunal members : Mr J G G Wilson MRICS
Miss C Barton MRICS
Mr M E Williams FRICS

Date of consideration : 26 February 2026

Date of decision : 26 February 2026

DECISION

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Decision of the Tribunal

On 26 February 2026 the Tribunal determined a Fair Rent of £720.00p (Seven Hundred and Twenty Pounds) per Calendar Month to take effect from 26 February 2026.

Background

1. On 21 November 2025 Ms Debbie King of West Ella Holdings Limited submitted her application for re-registration of Fair Rent ('RR1') to the Rent Officer to register a fair rent of £785.53 per Calendar Month for 31 Huxham's Cross, Dartington, Totnes, Devon, TQ9 6NT ('the property').
2. At paragraph 8 of the RR1 it is confirmed there are no services provided under the tenancy. Similarly, in paragraph 10 it is confirmed there is no furniture provided.
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 £641.25 per Calendar Month, effective from 18 February 2024.
4. At paragraph 12 of the RR1, the rent now is stated as £641.25 per Calendar Month.
5. A new rent of £665.00 per Calendar Month was registered by the Rent Officer, effective from 18 February 2026. 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.
6. In an email dated 12 January 2026 to The Valuation Office Agency ('the VOA') (sent to NSO Helpdesk (VOA)) Ms King submitted the landlord's 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 23 January 2026. 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 Mr Bladon for the landlord has given a Statement in accordance with the Tribunal's Directions, Mrs Slocombe has not given a Statement.

The Property

12. 31 Huxham's Cross is described in the Rent register as a semi-detached bungalow, circa 1945-1964 with accommodation comprising, ground floor - four rooms, one kitchen, one bathroom/WC and outside – car space, stores and garden.
13. From the photographs provided in the bundle and the EPC register, the Tribunal understands the property is of timber framed construction, with part-pitched roof, albeit mainly flat roof.
14. Huxham's Cross is located to the north of Dartington and to the east of the A384.

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 13 November 1961.
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 King for the landlord, Mr Bladon submitted his Statement on 3 February 2026. Mr Bladon confirms the information in the Rent register is accurate, other than the rent.

Mr Bladon's Statement

19. Mr Bladon's description of the property aligns with that of the Rent Register.
20. Under 'Features', Mr Bladon says the landlord has provided electric storage heaters, double glazing and goes on to add there is off-street parking and a private garden.
21. Under 'Improvements', Mr Bladon says none other than stated under Features and adds the property was re-roofed in 2021/2022.
22. Under 'Disrepair/Defects' Mr Bladon says, (a) the landlord is not aware of any disrepairs/defects, and (b) the bathroom and kitchen are in average condition.
23. Under 'Any Other Comments' Mr Bladon says see landlord's attached comments and comparables.

24. In his notes Mr Bladon says, inter alia, the property is in a rural setting, half a mile from Dartington and he goes on to say the property is in an average to good condition.
25. Mr Bladon has provided the Tribunal with both comparable evidence and his valuation of the market rent, with adjustments. The comparable lettings evidence is set out in a schedule and comprises 15 (fifteen) properties. Outline lettings' particulars have been provided for the balance, which include external photographs. Under column heading 'Let at pcm' the range of rental values is from £1,000 per calendar month to £2,000 per calendar month, and under column heading 'When' from March 2025 to January 2026.
26. Each comparable letting has been analysed on a pounds per square metre ('£ psm') basis, which results in a range from £10.87 psm to £21.66 psm, with an average of £14.74 psm. Mr Bladon says the areas of each property have been taken from the EPC register to ensure consistency. To reach his assessment of the market rent, Mr Bladon has applied the average £14.74 psm to 76 square metres being the area he has drawn down for the property - £14.74 psm times 76 square metres to equal a market rent of £1,120.24 (£1,120 when rounded down) per calendar month.
27. Mr Bladon acknowledges the schedule contains properties of superior quality to the subject and goes on to make the following adjustments, in outline: (1) tenant's decorations - £35 pcm, (2) floor covering and curtains - £40 pcm, (3) better condition of the open market lettings - £100 pcm, (4) White Goods - £25 pcm, and (5) lack of central heating - £50 pcm. In aggregate, a deduction of £250 pcm. Mr Bladon goes on to say the net rent should be £870 per month (£1,120 pcm minus £250 pcm, to equal £870 pcm).
28. Mr Bladon does not comment on whether the Order is to apply and goes on to say he believes there is an adequate supply of property in the area and therefore scarcity should not apply in this case.

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).
29. 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.
30. 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.
31. 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.
32. 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.'
33. 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

34. 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.
35. In the first instance the Tribunal determined the market rent per calendar month the landlord could reasonably expect to receive on the

valuation date, 26 February 2026, on the assumptions the property was in good condition, with carpets (flooring coverings), curtains and white goods provided by the landlord.

36. The Tribunal has been provided with a screen shot of the Rent Officer's comparable lettings of detached and semi-detached properties with four rooms in the TQ9 and adjacent postcodes. The market rents range from £825.00 per month up to £1,850.00 per month, with a date range from January 2025 to December 2025. No further information has been provided. The Tribunal has also been provided with a screen shot of the Rent Officer's 'Determination', which includes adjustments from the market rent for the unmodernised kitchen and unmodernised bathroom, inter alia.
37. In addition, the Tribunal has been provided with Mr Bladon's comparable lettings' evidence and his valuation, with adjustments, to value the fair rent.
38. 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 £1,000 per calendar month, before any adjustment(s) which it deemed appropriate to be applied.
39. From the submissions given by the parties, the information provided by the Rent Officer in its 'Determination' screen shot, the Tribunal has determined adjustments are required to be applied to the market rent to reflect: (1) no central heating (albeit there are electric heaters), (2) no carpets (floor coverings) and curtains, (3) the tenant's provision of the White Goods, (4) the tenant's internal decorations' obligation, (5) the unmodernised kitchen, and (6) the unmodernised bathroom/WC.
40. The Tribunal concluded a deduction in aggregate of £280 per calendar month be applied to the market rent, made up of as follows:

No Central Heating	£75
No Carpets (floor coverings) and Curtains	£50
White Goods	£30
Internal decorations' obligation	£25
An unmodernised kitchen	£50
An unmodernised bathroom/WC	<u>£50</u>
£ Per Calendar Month	£280

41. £1,000 per calendar month minus £280 per calendar month to equal £720 per calendar month.
42. Turning to the question of scarcity, that is whether demand for such properties exceeds the supply, Mr Bladon says there is an adequate supply of property in the area and therefore scarcity should not apply. 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 £720.00p per Calendar Month.

43. 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 £725.50p (Seven Hundred and Twenty-Five Pounds and Fifty Pence) per Calendar Month when rounded up to the nearest 50 (Fifty) pence.

Decision

44. Accordingly, the Tribunal determined the Fair Rent of the property to be re-registered at **£720.00p (Seven Hundred and Twenty Pounds) per Calendar Month to take effect from 26 February 2026.**
45. The capping provisions of the Rent Acts (Maximum Fair Rent) Order 1999 do not apply because the rent determined at paragraph 41 above is less 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.