



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

Case Reference : **HAV/45UF/F77/2026/0013**

Property : **Carylls Farmhouse
Faygate Lane
Faygate
Horsham
West Sussex
RH12 4SN**

Applicant Landlord : **P Calvert**

Representative : **Mayo Wynne Baxter**

Respondent Tenant : **R Smith**

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 : **I R Perry FRICS
S J Hodges FRICS**

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

Date of Decision : **23rd July 2026**

DECISION

Summary of Decision

On 23rd July 2026 the Tribunal determined a Fair Rent of £1,106 per calendar month (“pcm”) with effect from 23rd July 2026.

Background

1. On 13th January 2026 the Landlord’s Agent applied to the Rent Officer for registration of a Fair Rent for the property.
2. The rent was previously registered on 15th April 2024 at a figure of £900 pcm following a determination by the Rent Officer. This rent was effective from 15th April 2024.
3. The Rent officer held a consolation at the property on 19th March 2026 and subsequently registered a new rent at a figure of £995.50 pcm. This new rent was effective from 15th April 2026.
4. The rent determined was the maximum permitted by the Fair Rent Order.
5. On 13th May 2026 the Agent objected to the new rent and the matter was referred to the First-tier Tribunal Property Chamber (Residential Property), formerly a Rent Assessment Committee.
6. Within the objection to the new rent the Agent disputed the extent of the Property included within the Tenancy, specifically that the Tenant has access to “numerous outhouses, stores and car parking spaces, in total grounds extending to approximately just under 1 acre”.
7. 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.
8. The Tribunal office issued directions on 5th June 2026 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.
9. 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.
10. Both Landlord and Tenant made submissions to the Tribunal which had also been copied to the other party.
11. 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

12. 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.
13. 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).
14. The Tribunal also must 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.
15. 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 landlords statutory repairing obligations; the tenant is responsible for internal decorations.

The Property

16. From the information provided and available on the internet, the property can be described as a detached house built before 1918 with accommodation including 2 living rooms, kitchen, shower room/wc, 3 bedrooms and bathroom with wc. Outside there are gardens and outbuilding approaching 1 acre in total.
17. In addition, there is an annexe described as 1 big room.

Evidence and Representations

18. The original tenancy began in 1979.
19. The Rent Officer assessed an open market rent for the property of £1,900 per month less deductions for tenant's decoration liability, unmodernised kitchen and bathroom, tenants' provision of carpets and curtains and scarcity.
20. The Landlord's Agent provided 2 submissions relating to the "residential only" and "including non-residential". The second of these argues that the Fair Rent should be assessed based on the inclusion of numerous outhouses, stores and car parking spaces, in total grounds of approximately just under 1 -acre. This is the basis adopted by the Rent Officer which repeats previous decisions.
21. The Rent Officer is clear that he cannot decide any dispute between the Parties over the extent of the property and has assessed a rent on the same basis as for previous registrations.
22. The Landlord's Agent states that central heating and double glazing has been provided by the Tenant, but the carpets are the Landlord's. In addition, the Landlord rewired the house in 2024 and a new shed was rebuilt in 2024 following a fire.
23. The Agent continues stating that a lettings agent has suggested that in the open market a rent of £2,250-£2,500 pcm would be achievable.
24. The Agent also provides a valuation letter from RH & RW Clutton assigning commercial rents to the grounds and outbuildings.
25. The Tenant and his wife state that they have lived at the property for 45 years. They state that there is an additional ground floor room used as a study and that they provide carpets, curtains and all white goods.
26. The Tenant lists work he has completed since 1981 including complete renovation of the house, driveway, building a garage, installing central heating and building a store, installing a kitchen and bathroom and other repair and improvements.

Determination and Valuation

27. 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.
28. Secondly the Tribunal considered the disputed issue as to the extent of the property and outbuildings. The Tribunal has no jurisdiction to decide this matter. Given that the latest, and several previous determinations, have been made on the basis that the additional building and land approaching 1 acre are included the Tribunal assesses a Fair Rent on the same basis.
29. In arriving at a Fair Rent 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. 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. The Landlord would also be responsible for internal repair and decoration.
30. 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 Horsham. Having done so it concluded that such a likely market rent would be £2,500 pcm.
31. 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 pcm particularly to reflect the fact that the carpets, curtains and white goods were all provided by the Tenants which would not be the case for an open market assured shorthold tenancy.
32. Further adjustments were necessary to reflect the Tenants liability for internal decoration and improvements made by the Tenant.
33. The Tribunal therefore considered that this required a total deduction of £900 pcm made up as follows:

Tenant's provision of carpets	£50
Tenant's provision of white goods	£30
Tenant's provision of curtains	£25
Tenant's liability for internal decoration	£75
Tenants provision of kitchen	£250
Tenant's provision of bathroom	£150
Tenant's provision of heating	£250
Tenant's other improvements including driveway and shower room	<u>£70</u>
TOTAL per month	£900

34. The Tribunal noted the number of properties available to rent in the area as advertised on Rightmove and Zoopla, and concluded that there was no substantial scarcity element in the area of Tonbridge.

Decision

35. 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 £1,600 pcm.
36. The Section 70 Fair Rent determined by the Tribunal is above the maximum fair rent of £1,106 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 £1,106 pcm is registered as the Fair Rent with effect from 23rd July 2026.

Accordingly the sum of £1,106 pcm will be registered as the Fair Rent with effect from the 23rd July 2026 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.