



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

Case Reference	:	BIR/41UF/OAF/2026/0004
Property	:	16 Colinwood Close, Great Wyrley, Walsall, WS6 6JF
Applicants	:	Lisa Daniels and Neil Cox as Executors to the Estate of Graham Leslie Cox decd.
Representative	:	A.R. Perrin Esq. MRICS of Fraser Wood (Midlands) Ltd.
Respondent	:	Babatunde Ademola Bello
Type of Application	:	Under s.21(1)(a) of the Leasehold Reform Act 1967 ('the Act') for determination of the price to be paid under s.9 of the Act. Under s.21(2)(a) of the Leasehold Reform Act 1967 ('the Act') for determination of the provisions to be included in the conveyance under s.10 of the Act. Under s.21(1)(ba) of the Leasehold Reform Act 1967 ('the Act') for determination of the reasonable costs payable under s.9(4) of the Act.
Tribunal Members	:	Mr I.D. Humphries B.Sc.(Est.Man.) FRICS Judge P. Ellis

DECISION

Introduction

- 1 This Application is by Executors to a deceased's estate to purchase the Freehold of the deceased's house under the Leasehold Reform Act 1967. The Tribunal has been asked to determine:

- (1) the terms of the conveyance,
- (2) the price and
- (3) the landlord's legal costs and
- (4) the Applicant's costs.

- 2 The key dates are:

<u>Date</u>	<u>Action</u>
17.11.25	Applicants serve Notice to Enfranchise.
6.2.26	Applicants apply to Tribunal to determine the terms of conveyance under s.21(2)(a) and price under s.21(1)(a) of the Act.
12.2.26	Directions Order No.1 issued by the Tribunal. The Tribunal advises the parties that any requests for extension of time must be made on Order Form 1.
24.2.26	Applicant sends Valuation to Respondent in accordance with Directions.
12.3.26	Respondent requests 21 day extension of time.
17.3.26	Applicant objects to Respondent's request for extension of time.
18.3.26	Applicant sends Submission to the Tribunal.
27.3.26	Deadline for parties' Submissions to be received by the Tribunal.
29.3.26	By email to the Tribunal, the Respondent requests an oral hearing. The Tribunal does not reply.
	The Respondent sends comments on the Applicant's Submission to the Tribunal.
13.4.26	Directions Order No.2 issued by Tribunal. The Tribunal acknowledges the timetable has been extended by default and directs that any Final Submission must be made within 14 days. The Directions state that any request for a hearing must be made within 14 days of Directions but no such request is made.
27.4.26	Respondent sends 'Final Submission' to the Tribunal.
11.8.26	Directions Order No.3 issued by the Tribunal. The Tribunal requires the parties to prepare draft conveyances and identify any points in issue, notifying the Tribunal by 10 September 2026.

Preliminary Issues

- 3 The Application for the Tribunal to determine the Respondent's legal costs under s.9(4) of the Act was stayed by Tribunal Directions, with liberty to apply at a later date if not agreed.
- 4 The case is determined on paper without a hearing. The Applicants had advised the Tribunal that they were content with a paper decision. The Respondent asked for an oral hearing by email on 29 March 2026 but this was superseded by Directions Order No.2 that required any request for a hearing to be made within 14 days, i.e. by 27 April 2026, and as no request was made by that date the Tribunal proceeded on paper having carried out an inspection.

- 5 It is accepted that the Applicants have Grant of Probate and power to acquire the Freehold, confirmed by submitted evidence.
- 6 It is accepted that the property's Rateable Value was £162 under the General Rate Act 1973 and that the valuation should be made under s.9(1) of the Act, confirmed by submitted evidence.

Issue 1 - The Terms of the Conveyance

- 7 The Tribunal has reviewed the parties' comments pursuant to Directions No.3 and orders the Freehold to be conveyed on the terms of the Contract incorporating the Standard Conditions of Sale (Fifth Edition - 2018 Revision), prepared by Talbots Law and sent to the Tribunal on 10 September 2026.

Issue 2 - The Price of the Freehold

8 Inspection

The Tribunal inspected the property on 11 August 2026.

9 Description

The property is a three bedroom end-terraced house on a large 1960s housing estate in Great Wyrley, a suburb about three miles to the south of Cannock town centre. It is in a residential area near local shops and facilities. There is a railway station within 5 minutes' walk providing access to Rugby Trent Valley to the north and Walsall and Birmingham New Street to the south.

- 10 The property is the end of a terrace of four. It is two storey with a brick gable and tile hanging to the front elevation between the ground and first floors. It has an enclosed porch which is part of the original structure that projects from the main front elevation. Internally, the porch provides a reception area leading to a small dining room with kitchen to the side. The dining room is open plan to a living room at the back with stairs leading up to the first floor that has a landing, three bedrooms and bathroom. The house has upvc double glazing that would not have been part of the original specification and is regarded as a tenant improvement, together with the present kitchen and bathroom suites, although both now need updating.

- 11 There is an enclosed back garden and open plan front garden.

- 12 The house is at the end of a cul-de-sac and the only access is via a footpath from the public highway as the property has no direct road frontage or on-site parking.

13 Lease

The property is held by 99 year lease from 29 September 1963 at a fixed ground rent of £15 p.a.

14 Date of Valuation

17 November 2025, the date of service of the Notice. At that date there was an unexpired term of 37 years.

15 Basis of Valuation

Section 9(1) of the Leasehold Reform Act 1967.

Submissions

- 16 The Applicants are represented by A.R. Perrin MRICS of Messrs Fraser Wood Mayo of Lichfield. Mr Perrin's valuation of the freehold interest is £10,378.

- 17 The Respondent objected to the inputs adopted by Mr Perrin but provided no alternatives or supporting evidence.

Determination

- 18 The Tribunal has considered Mr Perrin's inputs and makes the following observations and decision on each:

Capitalisation Rate

- 19 Mr Perrin capitalises the ground rent at 6.5%.
- 20 The Tribunal agrees this fairly represents the market return for this fixed income security.

Deferment Rate

- 21 Mr Perrin adopts 5.5% by reference to established practice and case law.
- 22 The Tribunal agrees. This is in line with *Zuckerman v Calthorpe Estate Trustees* [2009] UKUT 235(LC) and other cases determined by the Upper Tribunal and Court of Appeal.

Entirety and Standing House values

- 23 Mr Perrin refers the Tribunal to the sales of three comparable properties in Collinwood Cose:
No.5 sold leasehold for £170,000 in July 2025,
No.35 sold freehold for £175,000 in June 2023,
No.18 sold freehold for £150,000 in November 2021 and
No.21 sold freehold for £140,000 in July 2025.
- 24 The Tribunal is satisfied that these comparables show a fair range of values in Colinwood Close. The 2021 and 2023 sales carry less evidential weight than the more recent sales and the fact that the subject property has no road frontage has a negative effect on value. Overall, the adoption of a freehold vacant possession value of £180,000 which is higher than any of the sales evidence, is fair, bearing in mind that all the houses are of basically similar construction and accommodation in close proximity to the subject house.
- 25 The 'Entirety Value' is the assumed value of a fully developed house on the plot and the 'Standing House' value is the present value of the existing house as it stands, but as the plot is fully developed the Tribunal finds their value to be the same.

Schedule 10 Reduction

- 26 Valuers sometimes reduce estimates of standing house and entirety value to reflect the possibility of a tenant remaining in occupation on expiry of the lease under Schedule 10 to the Local Government & Housing Act 1989. However, as this lease had 37 years unexpired at the valuation date, Mr Perrin makes no reduction to reflect this risk.
- 27 The Tribunal agrees. The prospect of a tenant remaining in occupation and claiming possession in 37 years' time is too remote to affect the present value.

Plot Ratio

- 28 Mr Perrin values the plot at 32% of Entirety value.
- 29 The Tribunal agrees this to be a fair assessment, particularly as this is a modest plot at the end of a terrace with no direct road frontage.

Valuation

- 30 Applying these inputs, the Tribunal values the Freehold interest as follows:

Term

Ground Rent	£ 15	
x Years purchase 37 yrs @ 6.5%	<u>13.8879</u>	£ 208

Reversion No.1

Entirety value	£ 180,000	
Plot ratio	<u>0.32</u>	
Site Value	£ 57,600	
s.15 Rent @ 5.25%	£ 3,024	
Years Purchase 50 years 5.25%	17.5728	
Present Value 37 years @ 5.25%	<u>0.1505851</u>	£ 8,002

Reversion No.2

Standing House value	£ 180,000	
Present Value 87 years @ 5.25%	<u>0.0116594</u>	£ 2,098

£10,308

Price of Freehold rounded to £10,300

- 31 The Tribunal determines the price of the Freehold interest under the Act at £10,300 (Ten Thousand Three Hundred Pounds).

Issue 3 - The Respondent's legal costs

- 32 Stayed by Tribunal Directions.

Issue 4 - The Applicant's Costs

- 33 On 12 March 2026 the Applicants requested an order under s.9(4) of the Act for payment of £3,558.00 costs by the Respondent. The sum comprised £2,870 legal fees by a Grade A fee earner, £114 court fees and £574 VAT.
- 34 The grounds of claim are that the Respondent failed to comply with Directions on several occasions, failed to engage with the Applicants and requested extensions of time.
- 35 The Tribunal finds there is no requirement for a Respondent to reply to a Notice to Enfranchise or engage in any discussion with Applicants. They may do but are under no compulsion and are free to request extensions of time. There is nothing unusual in this. The Applicants' remedy as in this case is to apply to the Tribunal to determine the price, terms and costs which is standard procedure.
- 36 Accordingly, the request for the Respondent to pay the Applicant's costs is refused.

I.D. Humphries B.Sc.(Est.Man.) FRICS
Chairman

Appeal to Upper Tribunal

Any appeal against this decision must be made to the Upper Tribunal (Lands Chamber). Prior to making such an appeal the party appealing must apply, in writing, to this Tribunal for permission to appeal within 28 days of the date of issue of this decision (or, if applicable, within 28 days of any decision on a review or application to set aside) identifying the decision to which the appeal relates, stating the grounds on which that party intends to rely in the appeal and the result sought by the party making the application.