	**FIRST - TIER TRIBUNAL** **PROPERTY CHAMBER** **(RESIDENTIAL PROPERTY)**
Case Reference	**HAV/29UB/MNR/2026/0034**
Property	**2 Owley Cottages** **Acton Lane** **Wittersham** **Kent** **TN30 7HL**
Tenants	**Mr P Brown**
Tenant's Representative	**Ms J Gregory and Mr Evans**
Landlord	**M A Piper & Sons**
Landlord's Address	**Owley Farm** **Acton Lane** **Wittersham** **Kent** **TN30 7HL**
Landlord's Representative	**Mrs L Piper & Mr O Piper**
Date of Application	**8th February 2026**
Type of Application	**Determination of a Market Rent sections 13 & 14 of the Housing Act 1988**
Tribunal Members	**I R Perry FRICS** **N I Robinson FRICS**
Date of Decision	**13th July 2026**
Rent Determined	**£945 per calendar month**
Date the new rent takes effect	**5th March 2026**

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REASONS FOR THE DECISION

Background

1. On 19th January 2026 the Landlord served a notice under Section 13(2) of the Housing Act 1988 which proposed a new rent of £1,350 per calendar month ("pcm") including water for the Property in place of the existing rent of £825 pcm including water to take effect from 5th March 2026.

2. On 8th February 2026, under Section 13(4)(a) of the Housing Act 1988, the Tenant referred the Landlord's notice proposing a new rent to the Tribunal for determination of a market rent.

3. The assured tenancy originally commenced in 1998 when the Tenant was employed by the Landlord as an agricultural worker and has become an Assured Periodic Tenancy.

Allocation of Repairs between Landlord and Tenant.

4. The Landlord is responsible for repairs.

Services Charges or furniture provided by Landlord (other than carpets and curtains and white goods specified below) and the costs relating to the same.

5. None.

Liability for Council Tax

6. The Tenant is responsible for the payment of Council Tax in respect of the Property. The rent determined is exclusive of Council Tax.

Any other terms of the tenancy taken into consideration in determining the rent.

7. The Notice served on 19th January 2026 states that water is supplied within the rent at a cost of £30 pcm. The Tenant states that he is responsible for internal decoration.

The Property

8. The property comprises a semi-detached house with accommodation comprising 2 living rooms, kitchen, wc, 3 bedrooms and bathroom with wc. Outside there are gardens and parking spaces.

9. The property has oil-fired central heating and double-glazed windows and was rewired in 2024.

10. The Tenant is responsible for internal decorations and provides carpets, curtains and white goods. The bathroom and kitchen fittings are said to be dated.

11. Of particular importance was the Tenant's assertion that the property is subject to an Agricultural Occupancy Condition ("AOC"). This restriction is typically placed on a countryside property (like a farmhouse or converted barn) when it is first built. The restriction requires that the occupant must be someone who is currently, or was most recently, employed full-time in local agriculture, forestry, or a dependent of that person.

Submissions

12. The Tenant stated that he does not have a tenancy agreement but agreed that the Notice is valid. He stated that he had been an agricultural worker all his life and was still working as such. He also states that he did not expect such a large increase in rent and the proposed rent of £1,350 pcm would cause him financial hardship.

13. The Landlord stated that there was no documentary evidence that the property is subject to an AOC but in any case, this would not of itself mean that the rent would be materially affected.

14. The Landlord provided a valuation letter from a local lettings agent which stated that "in the absence of clear and verified evidence demonstrating that the property is subject to a restriction that materially limits its lawful use or marketability, and in the absence of comparable lettings evidencing a consistent adjustment attributable to such a factor, our professional advice to the client has been to maintain the rental figure proposed in Section 2 of the notice dated 19th January 2026."

15. The letting agent also provided a best price guide from Rightmove for 3-bedroom properties in the area with advertised rents ranging from £1,195 pcm to £1,600 pcm.

16. The Tenant responded using the Tribunal Rents 1B form with written evidence from Mr Tim Piper, the previous principle of the Landlord, dated 31st January 2002, confirming that Property is subject to an AOC, and a solicitor's letter from

William Dawes and Co addressed to the Tenant, dated 3rd November 1986, to the same effect.

17. The Tenant avers that an AOC restriction would reduce the open market rent by 30-40% and provided a statement from a local letting agent to that effect.

18. The Tenant also suggests that the condition of the Property has deteriorated and that the kitchen and bathroom fittings are dated.

19. The Tribunal was provided with photographs of the property which show that the kitchen and bathroom fittings are dated but no more so than similar properties in the market.

Hearing

20. The Tribunal determined that an oral hearing was appropriate in this case which was held on 13th July 2026 at 10.00am using the Tribunal online CVP system.

21. Following some initial difficulties with internet connections to the hearing it was established that the Tenant was being represented by his partner Ms J Gregory, who authorised Mr Evans to speak for the Tenant at the Hearing.

22. Mr Evans reiterated the case made by the Tenant, that the property is subject to an AOC which would materially reduce the number of prospective tenants, and that the condition of the bathroom and kitchen fittings would also limit the achievable rent.

23. He suggests that a full market rent would be £1,300 from which deductions should be made.

24. Mrs Piper spoke on behalf of the Landlord and suggested that an open market rent of £1,350 pcm, including water, was a conservative figure.

25. The Landlord accepted that the property is subject to an AOC. Mrs Piper averred that the Landlord had followed a structure approach in arriving at a rent of £1,350 pcm and there was no evidence of a standardised discount for a property which is subject to an AOC.

Determination and Valuation

26. The evidence from the Tenant is subject to an AOC is accepted by the Landlord and the Tribunal. The only evidence to this Tribunal of an appropriate adjustment to reflect such a reduction was that a 30% discount should apply.

27. Relying on the evidence provided and subject to its own expert, general knowledge of rental values in the area, the Tribunal considers that the market rental of the subject Property **in its existing condition** and with water included is £1,350 pcm.

28. The Tribunal determines that the pool of prospective tenants who might wish to rent the property, for a legal letting, is severely limited and that this rent should be reduced by 30% to reflect this as suggested by the Tenants advisor. This deduction is not for general application across all properties subject to an AOC and only applies as this was the best evidence given to this Tribunal.

29. Accordingly, the Tribunal determines that the new market rent for the property is £945 pcm.

Undue hardship

12. The new rent takes effect from the date specified in the Landlord's Notice of Increase unless that would cause undue hardship to the tenant. In cases of undue hardship, the Tribunal has a discretion to fix a later starting date up to the date a Tribunal makes its determination.

13. The Tenant stated that an increase would cause hardship but provided no supporting evidence. The Tribunal is therefore not satisfied that the statutory test for **undue** hardship is met.

Decision

14. Therefore, the Tribunal determines the market rent at £945 per calendar month with effect from 5th March 2026, this being the date specified in the Notice.

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.