



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

**Case Reference** : CHI/00HC/OAF/2018/0006

**Property** : 52 Verbena Way, Worle, Weston-super-Mare  
BS22 6RN

**Applicant** : Heather Cynthia Webber

**Representative** : Berry Redmond Gordon & Penney, solicitors

**Respondent** : The successors in title of Catherine Wallop

**Representative** :

**Type of Application** : Leasehold Reform Act 1967 (Missing  
Landlord)

**Tribunal Member** : Mr D Banfield FRICS

**Date of Decision** : 21 June 2018

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DECISION

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**Summary of Decision**

**The Tribunal has determined for the reasons set out below that the price payable by the Applicant for the freehold reversion of the property is to be the sum of £ 592.50 and the amount of unpaid pecuniary rent payable for the property up to the date of the proposed conveyance is nil.**

## **Background**

1. By an Order dated 17 May 2018 District Judge Field sitting at the County Court at Weston-super-Mare directed that the First-tier Tribunal (Property Chamber) assess the appropriate sum in accordance with S27(5) of the Leasehold Reform Act 1967.(The Act)
2. Enclosed with the application to the Tribunal was an expert valuation report prepared by Mr M.T.Ripley FRICS dated 21 May 2018 and containing the necessary Expert's declaration.
3. An inspection of the property has not been made.

## **The Lease**

4. The site is within two Titles; the area containing the house is identified on the HM Land Registry plan edged blue under title number ST210591 which is held freehold and the area edged red under title number ST210592 and comprising part of the rear garden and the site of a nearby lock up garage is held by way of a lease for a term of 500 years from 1 September 1557 and made between Catherine Wallop and John and Isabel Thomas. The lease is subject to a yearly rent in respect of the whole of the premises of £1 6s 9d.
5. Mr Ripley in his valuation states that no ground rent is paid, the beneficiaries being unknown.

## **The Law**

6. Section 27(5) of the Act provides:  
*The appropriate sum which in accordance with Section 27(3) of the Act to be paid in to Court is the aggregate of:*
  - a. *Such amount as may be determined by (or on appeal from) the appropriate Tribunal to be the price payable in accordance with Section 9 above; and*
  - b. *The amount or estimated amount (as so determined) of any pecuniary rent payable for the house and premises up to the date of the Conveyance which remains unpaid.*
7. Section 9 of the Act sets out in detail the assumptions to be made and the procedure to be followed in carrying out the valuation. The effect of Section 27(1) is that the valuation date is the date on which the application was made to the Court.
8. There are various bases set out in Section 9 of the Act and the Tribunal determines that the appropriate basis is in Subsection 9(1) being that on 31 March 1990 the Rateable value of the house and premises was not above £500.

9. The Tribunal has been referred to and takes account of the following decisions: *Arbib v Cadogan (2005)*, *Cadogan Estates Limited v Sportelli (2006)* and *Clarice Properties Limited Appeal (2012)*.

### **The Premises**

10. The property comprises a semi detached two storey house built in the late 1970s.
11. The accommodation is described by Mr Ripley as comprising an entrance porch, small hall, lounge/dining room, kitchen and rear porch with wc off on the ground floor with three bedrooms and a bathroom/WC on the first. There are gardens front and rear and a garage in a block accessed via communal access.

### **Evidence**

12. In a valuation report dated 21 May 2018 Mr M T Ripley FRICS determined that the value for the purposes of Section 27 of The Act as at 4 April 2018 is £592.50.
13. Mr Ripley reports that the property is in poor condition. *“The gardens have been cleared with the rear boundary removed and are covered with rubble from boundary walls that have been removed. Internally, first floor has rotten sections of flooring requiring replacement, bathroom and kitchen facilities are very poor requiring complete replacement, no central heating system – former warm air system inoperable. All decorations, both internally and externally require immediate attention to protect the fabric and condition of the property”*
14. Mr Ripley considers that the house could be constructed on the freehold land if the rear porch were to be re-arranged without encroaching on the leasehold land. The leasehold Title therefore is in respect of the garage and garden land only.
15. Based on the sale of the subject property at £150,000 and other nearby sales Mr Ripley values the property at an open market value of £150,000 after allowing £30,000 for necessary repairs. As however the freehold land is capable of supporting the construction of the property with garage and gardens the leasehold land has only amenity value which he places at £20,000 being the likely uplift its inclusion would generate.
16. Mr Ripley then makes a reduction of 50% to reflect what he describes as *“standalone figure for amenity land and garage Less 50% for garage”*

17. Applying a return of 6% to the resultant £10,000 he arrives at a modern ground rent of £600 which he capitalizes at 7% deferred 39.5 years resulting in a rounded total of £592.50

## **Decision**

18. The Tribunal accepts a ground rent of 6%.
19. An explanation of how Mr Ripley arrived at the reduction of 50% he applies to the site value would have assisted the Tribunal but in view of the sums involved it is not proportionate to seek further explanation.
- 20. In all the circumstances the Tribunal accepts Mr Ripley's valuation and determines that the the price payable by the Applicant for the freehold reversion of the property is to be the sum of £592.50**
- 21. The Tribunal determines the amount of pecuniary rent to be nil.**

D Banfield FRICS  
21 June 2018

1. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making written application to the First-tier Tribunal at the Regional office, which has been dealing with the case. 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.
2. 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.
3. 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.