

Rent Assessment Panel for Wales

Notice of the Rent Assessment Committee Decision

File Reference Number:
1035913

Address of Premises
Lothlorien Cottage
High Pennard
Southgate
Gower
SA3 2AT

The Committee members were
A.V.S. Lobley
R. Davies
A.M. Abraham

(1) The Committee has decided that the rent for the above premises is:

£58 per Week

The new rent will be entered by the rent officer in the rent register.

(This amount excludes council tax and water rates but includes any amounts entered in boxes 3-5 below.)

(2) The effective date is:
The new rent will apply from this date.

27th November 2012

(3) The rent is not to be registered as variable.

(4) The amount for services is:

N/A


(5) The amount for fuel charges (excluding heating and lighting of common parts) not counting for rent allowance is:

N/A

(6) The rent is not exempt from the maximum fair rent because of repairs or improvements carried out by the landlord.

(7) Details (other than rent) where different from Rent Register entry:

Date of decision: 27.11.12


Chairman

If the fair rent the Committee determined was higher than the maximum fair rent, the limit on fair rent increases may apply. If this is the case, the uncapped fair rent the committee determined is shown in box 8. This is shown for information purposes only and does not affect the rent payable.

(8) The uncapped fair rent was: £62

Y TRIBIWNLYS EIDDO PRESWYL
RESIDENTIAL PROPERTY TRIBUNAL
RENT ASSESSMENT COMMITTEE
(Rent Act 1977)

Reference: 1035913

Property: Lothlorien Cottage, High Pennard, Southgate, Gower, SA3 2AT

Landlord: Executors of the late Phyllis Brown

Tenant: Ms Adele Gerke

COMMITTEE: Chairman AVS Lobley
Surveyor R Davies FRICS
Surveyor HM Abrahams FRICS

REASONS FOR THE DECISION OF THE RENT ASSESSMENT COMMITTEE

1. We were duly convened as a Rent Assessment Committee under the provisions of the Rent Act 1977 on 27th November 2012 at the property. We had before us a reference from the Rent Officer in respect of the property.
2. The Rent Officer had registered a rent of £57.50 per week. The tenant objected and the Rent Officer referred the matter to us.
3. Prior to the hearing, we inspected the property, internally and externally, when the tenant, Ms. Gerke was present. The Committee had inspected the property previously on 12th October 2010. Little had changed in the intervening period.

THE PROPERTY

4. Lothlorien Cottage is a small cottage in a hamlet in a rural location near Three Cliffs, Gower, a much sought after location. The nearest amenities are at Pennard. The property is reached via approximately two miles of private road though it is still not clear to whom the road belongs. Occupants of the other properties using the road maintain it though neither the tenant nor the landlord has made any recent contribution to the upkeep. The road leads on past the cottage to the beach.
5. The property has two rooms on the ground floor, one of which is used as a kitchen. There is a small annex off the front door with a toilet. The living room has a wood burning stove installed by the tenant in the fireplace. The other room has a sink, installed by the tenant (and tiles above it by the tenant) and replacing the one left by the landlord, and a solid fuel range installed by the tenant. The floor has original quarry tiles in good condition. There is no room for a washing machine or a fridge in this room. The single glazed windows in both rooms look on to the back garden. There is a water tank upstairs, providing water to the sink and the bath in one of the upstairs bedrooms. The tenant has installed some new electric switches and a circuit board but some old switches remain. A narrow staircase leads up to

the bedroom (also containing the bath) and another small room. There is no heating upstairs.

6. The tenant is responsible for internal decoration, curtains and flooring and the property appears to be well maintained. There is a small garden to the front and much more extensive gardens to the rear, with several sheds erected by the tenant. The tenant lime washes the exterior from time to time. There are agricultural barns to either side of the property, one of which is owned by the same landlord. The parking area in front of this barn has been used for parking by the tenant and the tenant of the barn though it is not clear to whom this area belongs.

THE HEARING

The Hearing was held at Pennard Community Centre, Pennard Road, Pennard, Swansea

7. Mr. Morgan attended on behalf of the landlord and Ms. Gerke also attended. Ms Gerke submitted that the calculation done in 2010 did not take into account all the matters mentioned in section 70 of the Act, including age and character. She submitted the rent should not be any more than at present. She did not understand why scarcity had gone from £21 to £10 nor furnishing from £7 to £5. Mr. Davies explained to Mrs. Gerke how scarcity had been calculated (26% to 15%). Ms Gerke also asserted that Gower cottages were rare but that her accommodation was very basic, with no kitchen, a lack of storage space and no room for any white goods. The cottage was situated between two livestock barns and the road was a drawback. She questioned whether there could be any comparable to other properties, having checked with the property register kept by the Rent Officer. She handed in a note of other rents recorded on the register, though she had not noted whether these were fair rents or maximum fair rents. She was not able to say what an open market rent should be but submitted £120 was too much based on properties in Gower. She thought this should be lower as the properties were expensive due to the location and she should not be penalized for living in the Gower.
8. Mr. Morgan was happy to accept the figures put forward by the Rent Officer and he confirmed no work had been done by the landlord since 2010 as the tenant would not allow access. He thought the rent should be higher because of its location and that scarcity had decreased over the period.

THE COMMITTEE'S FINDINGS

9. The committee had to determine the fair rent, having regard to Section 70 of the Act which provides that, in determining a fair rent, regard shall be had to all the circumstances, and in particular, the age, character, locality and state of repair of the dwelling house. The committee also had to calculate the maximum fair rent in accordance with the Regulations. Where the maximum fair rent applies, the rent registered is the lower of the fair rent and the maximum fair rent.

10. In assessing the fair rent, the committee looks first to market rentals for similar properties in the same or similar areas and the property would need to be updated in order to be let on an assured shorthold tenancy. Proper central heating would be necessary and carpets and curtains would be needed, even if let unfurnished. There is no bathroom as such, nor a proper kitchen. The property, as pointed out by Ms. Gerke, is in a desirable location but, in the committee's view, suffered from very poor access. The property would be cut off in bad weather and there are no formal arrangements for the upkeep of the private road. The nearest shop is some distance away. In addition, from the committee's own knowledge, there had been little change

in the rental market since the last assessment. Acknowledging that it would be difficult to find a comparable for this property, the committee considered the figure of £120 per week, used by the Rent Officer, to be a reasonable market rent in the circumstances. This figure has to be adjusted to take account of matters which have to be disregarded under the Act, including tenant's improvements, condition and scarcity. The Committee did not accept the market rent should be determined by reference to registered rentals in Swansea. One particular comparable put forward by Ms. Gerke, in Holts Field, was unreliable due to special circumstances surrounding that property.

11. In assessing scarcity, the Committee had to consider a wide area than Swansea and had to look at trends across West Wales as a whole, even if there were few properties available for rent in Gower. The Committee assessed the level of scarcity to be 15%.

12. The committee assessed the fair rent as follows:

Market Rent		£120
Less adjustments:		
Lack of central heating	£8	
Carpets and curtains	£5	
Condition	£2	
Basic kitchen/bathroom	£12	
Double glazing	£2	
Other (road)	<u>£18</u>	
	£47	
Adjusted market rent		£73
less scarcity @15%		£10.95
Fair rent		£62.05 say £62.00

13. The Committee calculated the maximum fair rent in accordance with the Maximum Fair Rent Order 1999 to be £58 per week, based on an existing registered rent of £51 per week, an RPI at last registration of 225.8, a current RPI of 244.2 with an enhancement value of 0.050 rounded to the nearest 50p.

14. The Committee therefore determined the rent to be registered at £58 per week

DATED this 12th day of December 2012



CHAIRMAN

