

**RESIDENTIAL PROPERTY TRIBUNAL SERVICE  
SOUTHERN RENT ASSESSMENT PANEL  
AND LEASEHOLD VALUATION TRIBUNAL  
LEASEHOLD REFORM ACT 1967 SECTION 27(1)(A)**

**DECISION OF THE LEASEHOLD VALUATION TRIBUNAL**

**CASE NO:** CHI/00HC/OAF/2004/0006

**PROPERTY:** 28 PERRYMEAD  
WORLE  
WESTON SUPER MARE  
NORTH SOMERSET  
BS22 7FB

**APPLICANT:** MRS P A FLORY

**DATE OF HEARING:** 13 JULY 2004

**MEMBERS OF THE TRIBUNAL:** PROFESSOR D N CLARKE (Chairman)  
MR J S McALLISTER FRICS  
MR P E SMITH FRICS

**DATE DECISION ISSUED:** AUGUST 2004

**RE: 28 PERRYMEAD, WORLE, WESTON SUPER MARE, NORTH SOMERSET**

**Background**

1. This was an application by Ms PA Flory of 28 Perrymead, Worle, Weston-Super-Mare, Avon under the Leasehold Reform Act 1967. The claim is for the enfranchisement of the title to this property in circumstances where the identity and whereabouts of the landlord is unknown.
2. This application was the first under the new jurisdiction conferred on leasehold valuation tribunals and was treated as something of a test case as it is anticipated there will be a considerable number of applications from this area relating to the same missing landlord

and the same lease. In these circumstances, a hearing took place on Tuesday 13 July 2004 when the applicant was represented by Mr Alan Robinson, of Berry, Redmond and Robinson.

### **Facts**

3. The Tribunal heard that the title to the property is registered as leasehold and is part of a much larger parcel of land held for the residue of a term of 500 years created by a Lease dated 1 September 1557 which reserved a rent of £1.6.9d. We were given some written evidence (and this was confirmed by Mr Robinson) that the Lease has long since disappeared. Apparently, there are a considerable number, some hundreds, of properties registered with leasehold titles under the same Lease, which will expire on 31 August 2057.
4. The Tribunal considered the terms of the Leasehold Reform Act 1967, section 27. The Tribunal considered that this was a clear case of valuation under Section 9 of the Act. We considered that no further steps by way of advertisement would be likely to produce the successor in title to the landlord. We were told that the court did not require a copy of the proposed conveyance in the absence of the known landlord.
5. In these circumstances the Tribunal determined that the only question for it to determine was the correct valuation in the light of the statute and the decided caselaw.

### **Valuation Evidence**

6. The applicant produced to us a valuation dated 9 July by Mr M T Ripley. This valuation put forward an enfranchisement price of £724 based on an estimated site value of £27,000, being 30% of the entirety value reflecting the plots shape. This was calculated back from an open market value of about £90,000. Unfortunately the report and valuation did not give the comparables on which the valuation was based. The Tribunal therefore requested that the applicant supply to the Tribunal, subsequent to the hearing, a further report from the valuer giving such comparable evidence.

### **Inspection**

7. The Tribunal inspected the property subsequent to the hearing, the applicant's solicitor having indicated that he did not wish to attend the inspection.

### **Evidence subsequent to a hearing**

8. As requested by the Tribunal, the applicant sent a further report by the valuer, Mr Ripley. He confirmed that his valuation on the open market of £90,000 was based on a sale twelve months earlier at £82,500 and a sale in March 2004 at £92,500.

## **Decision**

9. The Tribunal considered all the valuation evidence carefully in the light of the expert knowledge of the Tribunal. It was the view of the Tribunal that the comparable evidence relied upon a somewhat historic feel and in view of the rising market and the application date the Tribunal determined that the open market entirety value of the property was £115,000.
10. Applying the guidance in earlier caselaw (as referred to in Mr Ripley's valuation and as set out in detail in Hague, Leasehold Enfranchisement, 4<sup>th</sup> edition, paragraphs 8-08 to 8-11) the Tribunal applied the 'standing house' valuation approach and determined the site value at 30% of that figure, namely £34,500. The Tribunal agreed with the applicant's valuer that a modern ground rent should be at 7% which applying that percentage to the site value produces a modern ground rent of £2,415. Since the Lease has 53½ years remaining the deferment at 7% is at the figure that the applicant's valuer suggested of 0.383%. This results in an enfranchisement price of £925.
11. The Tribunal therefore determined for the purposes of this application, that the enfranchisement price to be paid into court is £925.

**Professor D N Clarke**  
**Tribunal Chair**