

2017/18 GUIDE TO...

TAX AND PROPERTY



NEWBY FORWARD
THINKING
ADVICE
CASTLEMAN
CHARTERED ACCOUNTANTS
LEADING THE WAY - PERSONALLY

WWW.NEWBYCASTLEMAN.CO.UK

YOUR GUIDE TO...

Tax and Property

Property ownership has a number of different tax implications, which is why it is essential to put in place adequate tax planning measures now. This guide sets out some of the key aspects of tax and property.

Your home and capital gains tax

Your main residence is exempt from capital gains tax (CGT) when you sell it, provided it has been your only or main residence during the whole period of ownership (or since 31 March 1982). Various rules allow periods of temporary absence to be disregarded.

Where a main residence has been let at some time during the period of ownership, there may be a chargeable gain for this period. However, this may be reduced by up to £40,000 (£80,000 for a couple) by lettings relief.

Owning more than one property

If you have more than one home, you may elect which is to be your main residence (i.e. exempt for CGT purposes) within two years of acquiring the additional residence. As long as a home has at some time been your main residence for CGT, the last 18 months of ownership are added to your exempt period. It may be beneficial for a married couple to own the non-exempt residence jointly as each will be entitled to the annual capital gains tax exemption.

Partial business use

If you use part of your home exclusively for business, interest and running costs on the relevant portion of the borrowing will be allowed as a business expense. In these circumstances, a similar proportion of the CGT exemption will be lost. However, if you use some rooms exclusively for business for most of the time but also use them for non-business purposes for some of the time, the full exemption will normally be preserved.

Inheritance tax (IHT) considerations

A new 'residence nil-rate band' (RNRB) now applies where a residence is passed on death to direct descendants such as a child, grandchild or their spouses. A step-child, adopted child or fostered child is regarded as a direct descendant. This is initially set at £100,000 in 2017/18, rising each year thereafter to reach £175,000 in 2020/21. The additional band can only be used in respect of one residential property which has, at some point, been a residence of the deceased. This relief is subject to certain restrictions – please contact us for further advice in this area.

Property Investment

Tax aspects of property investment

Income arising from land and buildings is generally treated as investment income unless it is from furnished holiday lettings or from property development, or the provision of services such as hotels and guest houses, in which case it would be classified as trading income.

From an accounting and tax point of view, all rental income (except furnished holiday lettings) is treated together as coming from one 'property' business, regardless of the terms of letting. Profits and losses are calculated using the same general accounting rules as for trading, including accruals to cover the timing difference of rent or expenses in advance or arrears.

For many unincorporated property businesses, the government is proposing that a cash basis becomes the default basis of computing taxable profits. The cash basis means the business accounts for income and expenses when the income is received and expenses are paid.

Jointly owned property

Spouses or civil partners normally own joint property as 'joint tenants'. This means that each has equal rights over the property and when one dies it goes automatically to the other. However, it is possible to change the ownership to 'tenants in common' where the share of each is separate and may be disposed of during lifetime or on death as the spouse or partner wishes.

Profits or losses (and, indeed, capital gains) arising from jointly owned property will normally be divided equally amongst the owners, for tax purposes. But where actual ownership and income are in different proportions the tax treatment can be varied to match.

Notice must be given to HMRC and Form 17 is available to be used for this purpose.

Furnished Holiday Lettings (FHLs)

Property businesses which comply with the relevant conditions can qualify for some very important tax concessions. FHLs are treated for tax purposes as if they were trades. Unlike other domestic lettings, the expenses can include capital allowances on furniture and kitchen equipment. The income counts as earnings for pension contribution purposes, and there are other advantages relating to the disposal of such properties.

Allowances and Reliefs

Allowable expenses

Under changes being introduced gradually from April 2017, landlords will no longer be able to deduct all of their finance costs, such as mortgage interest and fees, from their property income. They will instead receive a basic rate reduction from their income tax liability for their finance costs.

For 2017/18 the deduction from property income will be restricted to 75% of finance costs, with the remaining 25% being available as a basic rate tax reduction. Over the subsequent three years the direct deduction of finance costs will reduce by 25% each year until 6 April 2020, when all finance costs incurred by a landlord will be given as a basic rate tax deduction.

Allowances for equipment

Since April 2016 landlords can deduct the costs they actually incur on replacing furnishings, appliances and kitchenware in the property, but excluding fixtures. The relief given is for the cost of a like-for-like, or nearest modern equivalent, replacement asset, plus any costs incurred in disposing of, or less any proceeds received for, the asset being replaced. The deduction is not available for FHLs or where rent-a-room relief is claimed.

In general it is not possible to claim capital allowances for fixtures and fittings in a dwelling house but for commercial properties, capital allowances may be claimed in respect of many fixtures and fittings.

Rent-a-room relief

Under the 'rent-a-room' scheme, income from letting furnished rooms in your main residence will be exempt from tax if the gross annual rent does not exceed £7,500 in 2017/18 (£3,750 if you share the income). If you are letting to lodgers who live as part of the family, there will be no loss of capital gains exemption. Otherwise, there may be some restriction.

Annual property income allowance

A new £1,000 annual property income allowance is expected to be introduced in 2017/18, meaning that where the allowance covers all of an individual's relevant income (before expenses) they will not need to declare or pay tax on this income. Those with higher incomes will have the choice of deducting the allowance from their receipts, instead of deducting the actual allowable expenses. The new allowance does not apply to income from a property business in partnership, and is not in addition to relief given under the rent-a-room legislation.

Other Considerations

VAT

VAT is not charged on rents and there is no relief for input tax. For commercial properties, there are opportunities to overturn this treatment. This is a complicated area so please contact us for further advice.

Stamp Duty Land Tax (SDLT)

For **non-residential property** there is no charge to SDLT if the purchase price is £150,000 or less. Non-residential property which is not exempt is charged at a rate of 0%, 2% or 5% on the consideration falling within each band (rather than the whole transactional value).

For **residential property**, there are various bands and rates from 2% up to 12%. There is no SDLT charge if the purchase price is £125,000 or less, and thereafter SDLT is payable at each rate on the portion of the purchase price which falls within each band. Additional SDLT of 3% may apply to the purchase of additional residential properties.

In Scotland, where the Land and Buildings Transaction Tax has replaced Stamp Duty, different rules, rates and thresholds apply for both non-residential and residential properties, although a similar surcharge applies to the purchase of second properties.

Disposal

If the purchase and sale of properties amounts to a trade then profits will be taxed as income. In all other cases, disposals will be subject to the rules for the calculation of capital gains.

Furnished holiday lettings may also qualify for rollover relief or gift relief. In some circumstances they may also be eligible for IHT business property relief, in which case they would pass free of any IHT charge.

While some of the principles of property taxation may seem relatively straightforward, seeking professional help is essential. Contact us for further advice.

WEST WALK BUILDING
110 REGENT ROAD
LEICESTER LE1 7LT

T: 0116 254 9262

F: 0116 247 0021

E: INFO@NEWBYC.CO.UK

ELTHAM HOUSE
6 FOREST ROAD
LOUGHBOROUGH LE11 3NP

T: 01509 263500

F: 01509 234811

E: LOUGH@NEWBYC.CO.UK



NEWBY FORWARD
THINKING
ADVICE
CASTLEMAN
CHARTERED ACCOUNTANTS
LEADING THE WAY - PERSONALLY

WWW.NEWBYCASTLEMAN.CO.UK