# Solicitor warns council tax premiums on inherited homes risk burdening grieving families



A solicitor with expertise in inheritance disputes has issued a warning to families navigating bereavement regarding the unexpected council tax bills that may arise on inherited properties. This concern is particularly relevant in light of the 'second home' premium some councils are implementing shortly after a death.

Currently, many local authorities in England allow for a six-month exemption period during which no council tax is levied on properties left vacant following the owner's death. However, the timeline involved in obtaining probate, selling the property, and completing the necessary conveyancing often extends beyond this exemption period, potentially exposing families to unforeseen financial obligations.

The alert comes after a case in which an English council applied a second home charge to a property within an estate, even though it was reportedly not being used as such. In this instance, the exemption did not apply because the property was legally transferred into the son’s name upon the owner's death. Consequently, the council regarded it as a second home by default.

Andrew Wilkinson, who heads the inheritance disputes team at Lime Solicitors, referred to the council’s decision as "incredibly harsh." Speaking to the Leicester Mercury, he expressed concern over the financial strain placed on families already grappling with the complexities of probate. He remarked, "In all my years of practice, this isn't something I have seen before, and it feels extremely unfair, especially when executors are actively trying to deal with the estate."

Wilkinson highlighted that obtaining a grant of probate, arranging a sale, and completing conveyancing can often take several months, if not more than a year. This duration means that many families are already facing delays before they can even contemplate putting the property on the market. He added, "If councils start piling on charges prematurely, it only adds to the emotional and financial stress."

To mitigate these unexpected charges, Wilkinson advised families managing estate properties to proactively engage with their local council. Clear communication regarding the situation and timelines may help in negotiating available exemptions or reliefs. He also suggested that, if a property is expected to remain vacant for an extended period, renting it out could be a viable option to offset council tax liabilities. Nonetheless, he acknowledged that this approach comes with its own set of responsibilities and considerations.

This advisory comes amid a broader clampdown by the UK Government on second homes, intended to tackle the housing shortage in desirable towns and rural areas. Beginning April 1, 2025, over 200 local councils in England will gain new powers to impose a 100 per cent council tax premium on furnished properties that are not the owner's primary residence. Introduced by Michael Gove in 2023, the policy was originally aimed at combating the issue of second homes in coastal areas suffering from housing shortages but is now affecting a wider array of properties.

Wilkinson expressed his worries about the unintended consequences of such housing policies on bereaved families, stating, "This policy was designed to free up housing, not penalise bereaved families. The loss of a loved one is already a challenging time. Families shouldn't be further burdened by unexpected financial pressures due to administrative oversights or rigid policies." He concluded by emphasising the need for councils to handle these situations with the necessary sensitivity and understanding, noting, "Probate is complex enough without councils jumping the gun on tax."

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

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