THE VALUATION TRIBUNAL FOR ENGLAND

Non-Domestic Rating Appeal; 2010 Rating List; residential training centre; offices and premises; request for one assessment to be split into two separate entries; appeal allowed.

RE: Penyard House, Weston Under Penyard, Ross-On-Wye, Herefordshire HR9 7YH

APPEAL NUMBER: 185028700662/541N10

BETWEEN:	Penyard House Acquisition Ltd	Appellant
	and	
	Mr D Virk (Valuation Officer)	Respondent

PANEL: Mr W Read (Chairman)

CLERK: Mrs Rachel James IRRV (Hons)

REMOTE HEARING 3: Friday 26 February 2021

APPEARANCES: Mr G Richardson of Colliers International Property Consultants Ltd (on behalf of the Appellant)
Mr A Mills (for the Valuation Officer)

Summary of decision

1. Appeal allowed.

Introduction

2. The President of the Valuation Tribunal for England (VTE) is required to make sure arrangements are in place and make such statements and Directions so as to ensure that business before the Tribunal is conducted in accordance with The Local Government Finance Act 1988, Schedule 11, Part 1, paragraph A17(1) and The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 and by virtue of Part 2 regulation (5) (arrangement for appeals) and regulation (6)(3)(g) (appeal management powers) the VTE may determine the form of any hearing.

3. Therefore, in pursuance of regulation (6)(3)(g) the VTE has incorporated “remote hearings” as part of that definition and for the time being as the default option

until it is safe to return to normal working. The Tribunal's Consolidated Practice Statement has been amended to reflect this.

4. This appeal arose following a proposal received by the Valuation Officer on 9 March 2017. The appeal property was currently assessed at £180,000 RV, with effect from 1 January 2012. The proposal requested a split of the existing entry into two separate entries, with effect from 17 September 2014. The grounds of the proposal were:

> 'The entry in the 2010 rating list is incorrect, unfair, excessive and bad in law, and should be divided and reduced. The single hereditament(s) shown in the rating list now comprises two hereditaments each of which should be assessed at RV £10.00 effective date 17 September 2014.'

5. As permitted within the Tribunal's Business Arrangements, due to unforeseen circumstances, I heard this appeal alone.

6. Mr Richardson's statement of case included a declaration stating that he was acting as both advocate and expert witness in this appeal. He declared that he was instructed under a conditional fee arrangement. However, he declared that he understood and accepted that his duty was to the Tribunal in giving his evidence and he will comply with this as well as the requirements of his professional body regardless of whether or not the evidence supports his client's case. This issue was noted in view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC).

7. I have accepted this expert witness evidence on the above basis as the appeal is not complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions – general) of the Procedure regulations and is allowable due to the Tribunal's rules on admissibility of evidence (regulation 17(2)(a) where the Tribunal can admit evidence whether or not it would be admissible in a civil trial). I therefore considered the "expert" evidence and attached such weight to it as I saw fit.

8. The absence in this decision of a reference to any statement or item of evidence placed before me by the parties should not be construed as it being overlooked.

Issue in dispute:

9. The issue in dispute concerned whether or not the appeal property's current assessment should be split into two separate entries.

Decision and reasons

10. The issue to be determined was whether or not the appeal property comprised one or two hereditaments at the material date of 17 September 2014. The parties were in agreement that the assessment should be split from this date.

11. Penyard House was a hotel and training venue. It comprised 80 bedrooms and was set in a rural location within 9 acres of grounds. The main house was Georgian and there were conference facilities dating from the 1990s. The site was previously owned by The Leadership Trust, a registered charity focussing on training opportunities. The premises was purchased on 17 September 2014, by Penyard House Acquisition Ltd.

12. Following the sale of the premises on 17 September 2014, an agreement was put in place for The Leadership Trust to lease areas within the main building for a term of five years. A second agreement was put in place to lease part to G4S.

13. The area occupied by G4S was already separately entered in the rating list as Timothy Walker Court, Weston Under Penyard, Ross-On-Wye, Herefordshire, HR9 7YH at £11,500 RV. Therefore, it was unnecessary to bring this into assessment as it already appeared in the Rating List. However, after the parties had regard to plans for the premises, it became apparent that the area occupied by G4S was still included in the assessment of Penyard House, which in effect was a duplicate of the assessment and it required removing from the appeal property's valuation.

14. This was the fourth listing of this appeal. On a previous listing, the panel had adjourned the hearing and issued Direction DON-19-044, which requested parties to agree the areas of each unit of rateable occupation. A copy of this Direction had been sent to Mrs Topping at The Leadership Trust, who was not professionally represented in this appeal.

15. Following Direction DON-19-044, the parties had identified the assessments and checked measurements. The parties agreed that the assessment for Penyard House Acquisition LTd should be £160,000 RV, with effect from 17 September 2014. The assessment of The Leadership Trust was the only issue outstanding.

16. The Leadership Trust had been sent a Notice of Hearing for this Remote Hearing; however, there had been no recent correspondence. Furthermore, from the evidence provided, I note that there was no dispute that The Leadership Trust was in rateable occupation of part of the premises. Mr Mills had requested that part of the premises occupied by The Leadership Trust be assessed at £19,000 RV. No proposed value had been put forward by The Leadership Trust.

17. Having regard to the above findings, I allowed the appeal. I find that the current assessment of £180,000 RV included an element that was occupied by G4S (Timothy Walker Court), which already had a separate entry in the Rating List and had been duplicated; this element required removing. I further accepted that the assessment should be split, as from the date of sale, part of the premises had been leased back to The Leadership Trust.

18. Accordingly, I determined the existing assessment should be split as follows:

    i) Penyard House Acquisition Ltd at £160,000 RV, with effect from 17 September 2014; and

    ii) The Leadership Trust at £19,000 RV, with effect from 17 September 2014.

Order

19. Under the provisions of Regulation 38(4) of The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Tribunal for England orders the Valuation Officer to amend the appeal property's entry as follows:

i) Penyard House Acquisition Ltd, Penyard House, Weston-Under-Penyard, Ross-On-Wye HR9 7YH - Residential Training Centre at £160,000 RV, with effect from 17 September 2014; and

ii) The Leadership Trust, Penyard House, Weston-Under-Penyard, Ross-On-Wye HR9 7YH – Offices and Premises at £19,000 RV, with effect from 17 September 2014.

20. Under Regulation 38(9), the Valuation Officer must comply with this order within two weeks of the date of its making.

Date: 9 March 2021

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