THE VALUATION TRIBUNAL FOR ENGLAND

2017 Rating List Appeal – Price per m² to be adopted – rental evidence – location of property and comparable properties – tonal evidence – weighing of evidence - appeal allowed in part.

Re: Unit 1 at 104 The Green, Twickenham, TW2 5AG

APPEAL NUMBER: CHG100093089

BETWEEN:	Britannia Row Productions Ltd	Appellant
	and	
	The Valuation Officer	Respondent
PANEL;	Miss L Sharkey (Senior Member)	
	Dr P Thomson	
CLERK:	Mr A Jolly	
REMOTE HEARING:	Monday 23 August 2021	
APPEARANCE:	Mr D Snell of Altus Group representing the occupier Britannia Row Productions Ltd (appellant)	
	Ms L Brownlee representing the Valuation Officer (respondent)	

Summary of decision

1. Appeal allowed in part. Rateable Value (RV) £237,500 determined with effect from 1 April 2017 having regards to the rental evidence.

Introduction

2. This appeal has been brought in respect of the following: The appeal was lodged on the 16 April 2021 against the Valuation Officer's Challenge Decision Notice of 18 December 2020.

3. 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.

4. 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.

5. This is not intended to be an exhaustive record of the proceedings, but the parties can be assured that all of the evidence presented was fully considered by the panel before coming to its decision. Consequently, the absence of a reference to any statement, or evidence, should not be construed as it having been overlooked.

6. Mr Snell appeared on behalf of the appellant as both advocate and expert witness. In view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), Mr Snell's declaration of truth included a statement that he was instructed under a conditional fee arrangement.

7. Mr Snell declared that he understood and accepted that his duty was to the Tribunal in giving his evidence and he would comply with this as well as the requirements of his professional body regardless of whether or not the evidence supported his client's case.

8. The panel accepted this expert witness evidence on the above basis as the appeal was not complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions – general) of the Procedure regulations and was 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).

9. The panel therefore considered the "expert" evidence and attached such weight to it as it saw fit.

Issues

10. The issue before the panel concerned the price per m² to be adopted having regards to the rental and tonal evidence.

Evidence and submissions

11. Mr Snell stated that the appeal hereditament was originally entered into the 2017 Rating List at RV £337,500 with effect from 1 April 2017 based on a price per m² of £124.59 but following his initial challenge the RV was reduced to £267,500 with an unadopted rate per m² of £95. He considered that the assessment was still excessive and requested the RV be reduced to £225,000 based on the price of £80 per m².

12. Mr Snell informed the panel that the appeal hereditament was a 1980's industrial unit of steel portal frame construction comprising approximately 2000m² of warehouse accommodation with an adjoining two storey brick constructed office building. It was located in the town centre and, whilst providing good transport links, the location was not ideal due to the congestion associated with town centre locations. A new letting occurred in May 2012 with a review in December 2018 and therefore he considered the rental evidence on the appeal hereditament was too remote from the antecedent valuation date (AVD) of 1 April 2015.

13. Mr Snell stated that the appeal hereditament was in a scheme where no other building was similar in size with them all being under 200m².

14. In support of his contention, the unadopted price per m² should be £80 and he provided details of other assessments in the locality which ranged from £75 per m² to £90 per m². He considered the best evidence was the assessment for Units at Heathlands Close located very close to the appeal hereditament and approximately 1000 m² in area which had been

valued at £84 per m². He also referred to Unit 1 Longwood which was a similar age and size and valued at £80 per m² and Unit 1 Links, Hanworth valued at £84 per m².

15. Mr Snell also provided details of rental evidence which analysed from £52.38 per m² to £209.67 per m² with the majority being around £80 to £90 per m². He considered the Valuation Officer had not considered the basket of rents and had concentrated on the rent for 48 Cox Lane, which had analysed to £95 per m², but this property was some 9.6 miles away from the appeal property and therefore not within the same rental market.

16. Ms Brownlee stated that the appeal property was located in Twickenham with good transport links and that the property had 42 parking spaces. She did not consider the location was a disadvantage.

17. She stated that the 2012 rent was £204,000 per annum and the 2018 rent was £378,000 which she had analysed to £65 per m² and £150 per m². This included a mezzanine which had been installed during a refurbishment of the premises. She therefore considered that the price per m² for the appeal property of £95 was correct.

18. In support of her contention Ms Brownlee referred to the rental evidence. She stated that 48 Cox Lane rent analysed to £95 per m² and 2-6 Wades Lane analysed to £142 per m². She stated that a number of the rents were between connected parties including Ground Floor 78 Oldfield Road, Hampton and Unit 2, The Summit Business Park, Sunbury on Thames and therefore less weight should be placed upon the rental evidence.

19. Ms Brownlee stated that the appeal hereditament had undergone refurbishment works in 2012 and having considered the rental evidence asked for RV £267,500 to be confirmed.

Decision and reasons

20. The panel first considered the rental evidence for the appeal property. It noted that the rental evidence was from 2012 and 2018 some three years either side of the AVD and therefore the panel gave less weight to this as evidence due to the distance from the AVD.

21. The panel then considered the rental evidence for 48 Cox Lane which the Valuation Officer considered to be one of the key rents. The panel noted that this property was located in Chessington some nine and half miles away from the appeal hereditament and therefore the panel did not consider it comparable as it was located in a different town and therefore in a different rental market. It also considered the rental evidence for 2-6 Wade Lane but this hereditament was only 269 m² in size and therefore not comparable to a property in excess of 2500 m².

22. The remaining rental evidence showed properties within five miles of the appeal property with rental evidence analysing up to £209.67 per m². Whilst one rent supported £95 per m² the panel, as suggested by the Valuation Officer, gave minimal weight to that rent as it was between connected parties. The panel also gave minimal weight to the rents that had analysed to £209.67 as this was from 2019 and therefore four years after the AVD.

23. The panel then considered the remaining rental evidence which gave values between £52.38 to £90 per m². The rent, which analysed to £52.38 per m², was from 2012, some distance from the AVD and therefore would require adjusting and, accordingly, the panel paid minimal weight to that evidence. The remaining rents all supported a value below £95 per m² .

24. The panel then considered the tone of the list for the locality. It noted that similar properties, built in the 1980s, and located very close to the appeal property had been valued at £84 per m². The panel was informed by the Valuation Officer that these properties had not been refurbished whereas the appeal property had, in or around 2012. Whilst the units at Heathlands Close were smaller than the appeal hereditament the panel considered that the price per m² should be greater than £84 per m² for the appeal property due to the refurbishment in 2012. However, it also considered that the price per m² should be lower than £90 per m², as applied to units at Oldfield Road, St Georges Industrial Estate as these were around 50% smaller than the appeal property.

25. The panel having considered both the rental and tonal evidence and having weighted that evidence, considered an unadopted price of £85 per m² should be applied to the appeal hereditament. The panel, having applied its determined price per m² to the valuation and relativities adopted by the appellant's representative, confirms RV £237,500 with effect from 1 April 2017. The appeal is allowed in part.

Order

26. Under the provisions of Regulation 38 (4) and (9) of The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 the VTE orders the Valuation Officer to alter the List within two weeks of the date of this order to show, Unit 1 at 104 The Green, Twickenham, TW2 5AG at a Rateable Value of £237,500 with effect from 1 April 2017.

27. A refund of the paid fee will now be arranged (Regulation 13E of the NDR Alteration of Lists & Appeals Regs) provided there is no review of the Tribunal's decision. The refund will take around six weeks to process.

Date: Wednesday 15 September 2021

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