VALUATION TRIBUNAL FOR ENGLAND

Non-domestic rating appeal; 2017 rating list; shop and premises; allowance for access; accuracy of rateable value in compiled list; comparable evidence considered. Decision: Appeal allowed.

RE: Basement and Ground Floors 833 Romford Road, London, E12 6EA

APPEAL NUMBER: CHG100100531

BETWEEN:	Boots UK Limited (represented by GL Hearn)	Appellant
and		
	Andrew Ricketts (Valuation Officer)	Respondent

PANEL: Mrs L Bryning (Senior Member)
Mr D Heelas

REMOTE HEARING: 9 March 2021

CLERK: Mrs A Sloan

ATTENDEES: Mr M O'Brien (Advocate for the Appellant)
Mr C Cates (Advocate for the Respondent)

Summary of decision

1. Appeal allowed. The entry in the rating list is reduced to £55,500 rateable value (RV) with effect from 1 April 2017.

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. 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. This hearing was conducted via video conference using Microsoft Teams and the panel was satisfied that both parties were fully able to participate in the hearing.

4. 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.

Background

5. The appeal before the panel was a 2017 Rating List appeal. The proposal was originally lodged on behalf of the Appellant by Gerald Eve rating agents, but the Appellant was subsequently represented by GL Hearn.

6. The Rateable Value (RV) of the appeal hereditament was £58,500 from 1 April 2017, based on a 3% allowance for access on the Zone A element of the assessment only. This was a compiled list appeal, so the material day was also 1 April 2017. The appeal was made on 11 December 2020 against the Valuation Officer's (VO) Decision Notice of 14 August 2020. The VO's decision was to treat the Appellant's proposal as not well founded and the entry of £58,500 RV was deemed correct.

7. The proposed RV sought by the Appellant was £55,500. The original challenge lodged by Gerald Eve sought an end allowance of 7.5% but, on reviewing the case, GL Hearn argued that a 5% allowance on the overall valuation was more appropriate

Issue

8. The physical survey details of the subject property were agreed between the parties. The sole issue for the panel to decide was the appropriate allowance for access to the property, if any, to be applied to the valuation.

Decision and reasons

9. The subject property is a large property with a return frontage and both steps and a ramp to the front providing access to the shop. The Appellant relied on examples of comparable properties where an end allowance had been given for step access and sought an allowance of 5%. The Respondent argued that the ramp in place at the subject property meant that alternative access was readily available to those who could not use the steps and a 3% allowance on the Zone A element was reasonable.

10. The passing rent on the subject property was agreed with a previous occupier at £42,500 in 2003 with five yearly reviews and increased to £56,000 in 2008. Mr O'Brien stated that the rent

was reviewed in 2013 and not increased from £56,000, indicating that it was not appropriate to increase the rent given the location and disadvantages facing the property.

11. The subject property sits significantly above street level with seven steps to the front and a long ramp that doubles back on itself. The various properties presented as comparisons are of limited use as none are similar in size or character to the subject property and none appear to have a ramp in addition to the steps. In the main, the size of the allowance seemed to be reflective of the number of steps to climb when accessing the property and the allowance had been given on the overall assessment in each case.

12. Whilst the panel noted Mr Cates' comments that the provision of the ramp at the subject property mitigated the disadvantage of the step access, the panel was of the opinion that the ramp itself was not particularly accessible. The ramp curves back on itself, making access for those using wheelchairs or mobility scooters potentially problematic due to the tight turn to be negotiated. The panel did not agree with the Respondent's position that the allowance should only apply to the Zone A front element of the shop and it found that any allowance given should apply to the whole assessment, as in the case of the various comparable examples presented.

13. The panel acknowledged that the passing rent was not a new rent but resulted from the rent review in 2008. However, it found that the 2013 review was reasonably close to the 1 April 2015 AVD and the fact that the option to increase the rent had not been implemented, suggested that there were disadvantages to the subject property reflected in that rent.

14. After considering all of the evidence presented, the panel found that the existing entry in the rating list was unreasonable and a 5% end allowance was justified, applied to the whole assessment. The appeal was therefore allowed.

Order

15. In accordance with Regulation 38 (4) and (9) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Officer is ordered to amend the entry for Basement and Ground Floors 833 Romford Road, London, E12 6EA in the 2017 Rating List to £55,500 effective from 1 April 2017.

    The Valuation Officer must comply with this Order within two weeks of its making.

    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: 24 March 2021

Appeal number: CHG100100531