THE VALUATION TRIBUNAL FOR ENGLAND

Non-domestic rating; 2017 list appeal; Local Government Finance Act 1988; Schedule 5; Agricultural buildings; Sole use; Appeal dismissed.

Re: Nyetimber Vineyard, Gay Street, Pulborough, West Sussex RH20 2HH

APPEAL NUMBER: CHG100635876

BETWEEN:	Nyetimber Vineyard	Appellant
	And	
	Ms Dawn Bunyan (Valuation Officer)	Respondent

PANEL:	Dr John Johnson	(Chair)
	Mr Simon Hooberman	
CLERK:	Mr Duncan Adamson IRRV (Hons)	
REMOTE HEARING 1:	14 June 2022	
PARTIES PRESENT:	RC	Appellant
	Mr Stuart Britton	Valuation Officer

Summary of decision

1. The appeal was dismissed. The hereditament remains in the 2017 Non Domestic Rating List.

Introduction

2. This 2017 compiled list appeal had been brought in respect of the property at Nyetimber Vineyard, Gay Street, Pulborough, West Sussex RH20 2HH. The appellant sought an exemption of the hereditament buildings on the grounds that they should be classed as agricultural buildings as the properties are solely connected with the agricultural business of winemaking.

3. Nyetimber vineyard consists of The Granary which is home to the estate office, The White Barn, and The Medieval Barn. There are eleven vineyards over 350 hectares. The grapes are pressed at two separate sites and these sites are currently exempt from rating.

4. The appellant submitted a check on 23 February 2021, completed on 1 March 2021 and then submitted a challenge against the rateable value on 2 March 2021. The challenge was completed 17 September 2021. The rateable value when the appeal was made was £14,950.

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 a decision. Consequently, the absence of a reference to any statement, or item of evidence, should not be construed as it having been overlooked.

Issue

6. Whether the hereditament, the buildings, are or are not exempt from rating.

Evidence and submissions

7. The evidence bundle submitted by the appellant comprised all of the documents exchanged between the parties as part of the challenge process, the Valuation Officer's challenge case decision notice; the appellant's challenge submission and photographs and location plans of the appeal property.

8. The respondent stated that the land is agriculturally exempt but the buildings were not as they did not fulfil the requirements of the regulations. The buildings are occupied together with the agricultural land, the vineyards, but they are not used solely in relation to the agricultural operations carried out. The office accommodation is used to administer functions such as corporate events including wine tasting and dining experiences as well as advertising and marketing and these are not agricultural operations.

9. The respondent also referred to the original Planning Design and Access Statement in respect of the Medieval barn that included "The use of the barn (in its entirety) would be similar to the White Barn planning – its lawful use being a reception space for invited guests to the Nyetimber Estate".

10. The appellant stated that the premises were not open to the public, there were no cellar door sales and no shop. This was agreed in a joint visit by both parties on 4 May 2022.

11. She stated that there were three buildings:

    - The Granary Barn. This contained the office and was where the viticulturalist and office manager worked from.

    - The Medieval Barn. This was used to support and host each of the 12 annual open days. Customers are allowed to purchase wine on such days.
    - The White Barn. This was used for technical wine tasting with visiting buyers such as Ocado and Waitrose and for other business functions and housed the facilities and estates teams managing the total of 700 hectares of land, half of which was given over to the vineyards.

12. All the activities that took place in the barns were solely in connection with the agricultural activity of wine production and she stated that, in her opinion, the respondent's interpretation of the regulations was incorrect.

Decision and reasons

13. The panel referred to the Local Government Finance Act 1988 Schedule 5:-

    NON-DOMESTIC RATING: EXEMPTION

    Agricultural premises

    1A hereditament is exempt to the extent that it consists of any of the following—
    (a)agricultural land;
    (b)agricultural buildings.

    2 (1)Agricultural land is—
    (a)land used as arable, meadow or pasture ground only,

    (b)land used for a plantation or a wood or for the growth of saleable underwood,

    (c)land exceeding 0.10 hectare and used for the purposes of poultry farming,

    (d)anything which consists of a market garden, nursery ground, orchard or allotment (which here includes an allotment garden within the meaning of the Allotments Act 1922), or

    (e)land occupied with, and used solely in connection with the use of, a building which (or buildings each of which) is an agricultural building by virtue of paragraph 4, 5, 6 or 7 below.

    (2)But agricultural land does not include—

    (a)land occupied together with a house as a park,
    (b)gardens (other than market gardens),
    (c)pleasure grounds,
    (d)land used mainly or exclusively for purposes of sport or recreation, or
    (e)land used as a racecourse.

14. Paragraph 3 provided the definition of an agricultural building:

    A building is an agricultural building if it is not a dwelling and—

    (a)it is occupied together with agricultural land and is used solely in connection with agricultural operations on that or other agricultural land, or

    (b)it is or forms part of a market garden and is used solely in connection with agricultural operations at the market garden.

15. The respondent VO had referred to three tests in respect of a determination of agricultural buildings being exempt:

    (i) Occupation Requirement

In order to be exempt a building had to be occupied with agricultural land and that use must be ancillary or consequential in relation to the agricultural operations carried out on that land and / or any other agricultural land.

(ii) User Condition
It is further required that the building is used in connection with agricultural operations on the agricultural land with which it is occupied, or on other agricultural land.

(iii) Sole Use
Such a use in connection with agricultural operations on the agricultural land with which it is occupied, or on agricultural land, must be its sole use.

16. The panel noted that both parties were in agreement that the buildings specified were not dwellings.

17. The panel found that the three barns were certainly used in connection with the agricultural operations in respect of wine production on the agricultural land.

18. However, the panel found that all of the activities that had been specified that occurred in the barns, specifically the White Barn, meant that the buildings were not solely used for agricultural operations on the agricultural land with which it was occupied. In particular, advertising and marketing could not be considered as such and neither could corporate events, retail sales, wine tasting and functions.

19. The panel therefore found that the buildings were not agricultural buildings and therefore could not be exempt under the LGFA regulations. The hereditament must therefore remain in the 2017 rating list.

20. Consequently, the appeal was dismissed.

Date: 30 June 2022

Appeal number: CHG100635876

Rights of appeal

Any party who is aggrieved by the Tribunal’s decision has the right of appeal to the High Court on a question of law. Any such appeal should be made within four weeks of the date of this decision notice.