



VALUATION TRIBUNAL FOR ENGLAND

2017 Rating List Appeal: Local Government Finance Act 1988; Price per m² to be adopted – rental evidence – tonal evidence – settlements and tone at lower values then rental evidence – appeal allowed

APPEAL NUMBER: CHG101058250

RE: 87 Weston Street, London, SE1 3RS
(the "subject property")

BETWEEN:	The Beyond Marketing Collective Limited	Appellant
	and	
	Andrew Ricketts (Valuation Officer)	Respondent

SITTING: *remotely using Microsoft Teams*

ON: Friday 10 January 2025

BEFORE: Mrs B Dhoofer-Sagoo (Presiding Senior Member)
Mr E J Barnett (Senior Member)

CLERK: Mr A Jolly

APPEARANCES: Mr M Morrison of Ryan Property Tax Services UK Limited representing the a
Mr W Mak representing the respondent

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is allowed. The rateable value (RV) is confirmed at £127,000 based on a price per m² of £300 with effect from 30 April 2018.

Introduction

2. This appeal has been brought in respect of the following: an appeal was lodged by Ryan Property Tax Services UK Limited on behalf of the occupier The Beyond Marketing Collective Ltd on 22 August 2023 against the Valuation Officer's decision of 2 August 2023

3. This statement of reasons is not and does not purport to be a full verbatim record of the proceedings.
4. Mr Morrison 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 Morrison's declaration of truth included a statement that he was instructed under any conditional fee arrangement.
5. Mr Morrison 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 the client's case.
6. 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).
7. The panel therefore considered the “expert” evidence and attached such weight to it as it saw fit.
8. Mr Mak was appearing on behalf of the respondent in the dual role of advocate and expert witness.

Issue

9. The issue before the panel concerned the price per m² that should be adopted with effect from 30 April 2018. The appellant's representative sought a reduction from RV £149,000, based on a price per m² of £350, to RV £127,000 based on a price per m² of £300. The respondent sought to dismiss the appeal confirming RV £149,000.
10. The subject property was ground floor office accommodation with residential accommodation above. It was located at the western end of Weston Street at its junction with Snowfield in Southwark. It was located close to London Bridge station. It had an agreed area of 326.18 m².

Decision and Reasons

11. Mr Morrison stated that rent on the subject property from March 2018 was too remote from the antecedent valuation date (AVD) and therefore other evidence was considered to establish the price per m² to be adopted. He considered the best evidence was that of comparable properties within the locality together with settlements
12. In support of his contention that £300 should be applied Mr Morrison provided details of settlements of 82 Tanner Street and 5-7 Tanner Street London, these properties had been entered into the 2017 Rating List at £350 per m² and £330 per m² but reduced to £300 per m² following a challenge. He stated that 82 Tanner Street was built in 2014 and was similar to the subject property with residential accommodation above and 5-7 Tanner Street was a converted factory building which had been modernised and refurbished internally.
13. Mr Morrison stated that whilst the respondent had put forward rental evidence to support £350 per m² all of the comparable properties cited had been valued at £300 per m² or lower

which he considered supported £300 being applied to the subject property. He requested the panel to allow the appeal and confirm RV £127,000.

14. Mr Mac stated that the burden was upon the appellant's representative to prove that the assessment was unreasonable. In his opinion that price per m² of £350 was reasonable having regards to the rental evidence in the locality.
15. Mr Mac referred to *Lotus and Delta v Culverwell* (Valuation Officer) and *Leicester City Council* [1976] RA 141 stating that the starting point would be the passing rent on the subject property. However, he accepted that the rent was too remote from the AVD and therefore he considered the rental evidence on similar properties within the locality. In support of his contention, he analysed the rent for 106 Weston Street to £484.55 per m²; Ground floor 7 Morocco Street analysed to £490.16 per m² and 1st floor 41a Maltby Street London analysed to £351.15. He accepted that whilst the rental evidence showed values of £350 per m² and above they had been entered into the Rating List at either £275 per m² or £300 per m².
16. Mr Mac did not consider Mr Morrison's comparable hereditaments to be truly comparable due to difference in size with one being over six times larger than the subject property and the other five times smaller.
17. Mr Mak considered that the rental evidence supported his valuation and requested the appeal be dismissed.
18. The panel accepted that the rent passing on the subject property was not of assistance due to it being from 2018 and therefore three years after the AVD.
19. The panel then considered the rental evidence submitted by the respondent. Whilst the rental evidence showed values in the locality at £350 per m² or above it noted that none of the three properties provided by the respondent had been valued in line with the rental evidence but had appeared to have followed a tone of £300 or below.
20. The panel also noted that challenges within the locality had been settled at £300 per m² despite rental evidence showing higher values. The respondent had consider the two comparable hereditaments, where settlements had been reached, were of different size but the panel had not been provided with any compelling evidence that values in the locality were different due to the effects of quantum.
21. The panel considered that as the rental levels were not followed when setting values and settling appeals a tone has been established in the locality. In considering the comparable hereditaments the panel agreed that 106 Weston Street and 7 Morocco Street provided the best rental evidence but also the best tonal evidence. However, it considered that 106 Weston Street was some distance from London Bridge Station and that this may be the reason for the price per m² being £275 whereas Morocco Street was of a similar distance as the subject property from that Station and had been valued at £300 per m².
22. The panel had been persuaded by the appellant's representative that a tone had been established in the locality and that tone was £300 per m². The panel therefore allow the appeal and confirm RV £127,000 with effect from 30 April 2018.

Order

23. As a consequence of the above decision, the Valuation Officer is ordered to reduce the 2017 Rating List entry to £127,000 with effect from 30 April 2018 within two weeks of the date of this order.

Refund of appeal fee

24. As the ground of the appeal has been made out, the appeal fee is to be refunded in full. This will take approximately six weeks to process.

Valuation

Floor	Description	Area m ²	£/m ²	Value
Ground	office	426.18	£ 300.00	£ 127,854.00
			say RV	£127,000

Date issued to parties: 27 January 2025

Right of further appeal

Any party who is aggrieved by the Tribunal's decision, and who appeared or was represented at the hearing, has the right of appeal to the Upper Tribunal (Lands Chamber). Any such appeal should be made within four weeks of the date of this decision notice.