IN THE VALUATION TRIBUNAL FOR ENGLAND
2017 RATING LIST APPEALS

Case Number: CHG101061116

Sitting remotely using Microsoft Teams

Date: 29 July 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2017 non-domestic rating list appeal; Vehicle repair workshop and premises; Proposal seeking a lower £ per m^2; Appeal dismissed.

Before:
Mr P Patel
Mrs F Duggan

Between:

GSF Motor Works Limited — **Appellant**

- and -

The Valuation Officer — **Respondent**

Regarding:
Unit E, Broughton Street, London SW8 3QR
(the 'subject property')

Representatives:
Mr A Bacon of JMA Chartered Surveyors, representing the Appellant
Mr H Hirani, representing the Respondent

Hearing date: 21 July 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed.

2. The panel made no change to the rateable value (rv) of the subject property, which remained at £84,500 with effect from 1 April 2027.

Introduction and background

3. This decision and statement of reasons is not a contemporaneous or verbatim record of the proceedings.

4. The subject property is described as a ‘vehicle repair workshop and premises’. It is a 1980’s industrial building situated on London Stone Estate Industrial Park which is accessed from Broughton Street through a railway arch. The subject property was recorded as being 676.65m^2 in size (which was not in dispute).

5. A Challenge was submitted to the Respondent in accordance with the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009 against the unadjusted rate (UAR) of £160 per m^2 and the rv of £103,000. After consideration of the Challenge, the Respondent decided that £160 per m^2 was unreasonable and the UAR was reduced to £130 per m^2 and the rv to £84,500.

6. The Appellant considered this to be unreasonable and an appeal was subsequently submitted to this Tribunal. At appeal, the Appellant considered that a UAR of £110 per m^2 was reasonable, which would result in a rv of £69,500. However, this did not take into account eight parking spaces that were included within the assessment (8 x £300 = £2,400) and when the clerk queried this with the Appellant’s representative, this was explained as a clerical error. Mr Bacon confirmed that he was actually seeking a rv of £72,000 which included the eight parking spaces.

7. The representatives appeared in the dual roles of advocate and expert witness, with Mr Bacon declaring that he/JMA Chartered Surveyors were representing the Appellant on a contingency fee basis. Both representatives acknowledged and accepted that when presenting evidence as expert witnesses, that their duty was to the tribunal irrespective of whether their evidence supported their respective argument. Mindful of the Upper Tribunal’s judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT (LC), the panel accepted the expert witness evidence on this basis as the appeal was not considered to be complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions - general) of the Procedure Regulations. Furthermore, it was allowable due to the Tribunal’s rules concerning admissibility of evidence (regulation 17(2)(a) where the Tribunal can admit evidence whether or not it would be admissible in a civil trial). It was therefore appropriate for the panel to consider the expert evidence and assess what weight, if any, to give it in the context of the issues before it.

Discussion

8. This appeal was against an entry in the 2017 rating list and so the rental levels are taken as those passing at the antecedent valuation date (AVD) of 1 April 2015 in accordance with the Rating Lists (Valuation Date) (England) Order 2014. The material day (the date by which

physical factors must be taken into account) is provided by the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992. The material day is 1 April 2017.

9. Paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988 provides that the RV of a non-domestic hereditament, none of which consists of domestic property and none of which is exempt from local non-domestic rating, shall be taken to be an amount equal to the rent at which it is estimated the hereditament might reasonably be expected to let from year to year based upon three assumptions. These assumptions are well known to the parties and so the panel did not consider it necessary to set them out in this decision notice.

10. The starting point for consideration is the passing rent. This had been agreed in January 2011 on a stepped basis that averaged to £66,400 per annum (if ignoring the six month rent free period). The term was for twenty years with five yearly reviews and the rent review in January 2016 had resulted in an increase to £100,000 per annum. This had been analysed to £152.90 per m^2. Whilst the panel noted Mr Bacon's submission that the rent had been agreed without professional representation it was, nevertheless, an agreed rent which demonstrated what the tenant was willing to pay from January 2016. This supported a view that a UAR of £130 per m^2 was not unreasonable.

11. Mr Bacon cited other vehicle repair workshops at 315-317 Queenstown Road SW8 4LN, 1-2 Weir Road SW19 8UG, and 110 Totterdown Road SW17 8TA (analysed to £100 per m^2, £120 per m^2 and £62 per m^2 respectively) as supporting his contention that a UAR for the subject property of £110 was reasonable. However, the panel was not so persuaded; 315-317 Queenstown Road was too dissimilar (being located under a railway arch), 1-2 Weir Road was stated as being more than three miles from the subject property (despite its location being described as "…only just down the road" in Mr Bacon's submission) and so not in the same locality, whilst 110 Totterdown Road was understood to be more than fifty years older than the subject property (as stated by Mr Hirani and not disputed by Mr Bacon). Given the panel's findings, this evidence was not found to be compelling.

12. During the remote hearing Mr Bacon placed significant weight upon 86-92 Stewarts Road SW8 4UG which had been analysed to £138 per m^2 (despite being referred to as a 'warehouse / trade counter' within his submission). This property was not, unlike the subject property, accessed through a railway arch and it was not the subject of planning restrictions which allowed for B2 use only (general industrial) or a user restriction of 7am to 7pm, six days a week. Mr Bacon submitted that, when compared, it was clear that a UAR for the subject property of £110 per m^2 was reasonable. However, the panel was not convinced. Whilst Mr Bacon had used his valuers judgement to concluded that a UAR of £110 per m^2 was reasonable for the subject property, it had not been underpinned with any evidential submissions or analysis. Furthermore, these 'disabilities' would have been factored in by the landlord and tenant when agreeing the rent.

13. Mr Bacon also relied upon Units 1 and 7 Parkfields Industrial Estate SW11 5BA which had both been analysed to £136 per m^2. However, no significant weight was placed upon them because they were located on a different industrial estate and the panel preferred, instead, the evidence relating to other units on the same estate.

14. Most persuasive was the rental evidence in respect of units on the same estate (the London Stone Industrial Estate). Unit D had a total area of 300.83m^2 and its rent (a lease renewal) was effective from 1 May 2014 at £34,000 per annum which analysed to £174.92 per m^2. Unit G had a total area of 185.07m^2 and its rent (a new lease) was effective from 11 April 2015 at £33,328 per annum which had been analysed to £173.37 per m^2. Unit H had a total

area of 215.88m^2 and its rent (a lease renewal) was effective from 1 December 2016 at £30,250 per annum which had been analysed to £138.72 per m^2. Whilst the panel accepted that, as warehouses, they were not in the same mode of occupation, no compelling evidence had been provided to demonstrate that a UAR of £130 per m^2 for the subject property was unreasonable.

Determination

15. The panel found that the passing rent in respect of the subject property together with the evidence relating to other units on the same industrial estate demonstrated that a rv of £84,500 with effect from 1 April 2017 was not unreasonable.

16. This appeal was therefore dismissed.

Right of further appeal

17. Any party who is aggrieved at the Tribunal's decision, and who appeared or was represented at the hearing, has a statutory right of further appeal to the Upper Tribunal (Lands Chamber) pursuant to Regulation 42 of the Tribunal Procedure Regulations. A party does not require permission to appeal from the Tribunal. Any appeal must be made directly to the Upper Tribunal (Lands Chamber) within **four weeks** of the date this decision and statement of reasons is issued.

18. Further information regarding this statutory right of further appeal, and the parties' other rights, is contained in the guidance booklet "*A guide to tribunal decisions"* available on the Tribunal's website at www.valuationtribunal.gov.uk/guidance-booklets/.

Mr P Patel, Senior Member
Mrs F Duggan, Member

Mr A Johnson
Clerk to the Tribunal

Date issued to the parties: 29 July 2025