VALUATION TRIBUNAL FOR ENGLAND

Non-domestic rating appeal; 2017 rating list; accuracy of the rateable value in the list on 1 April 2017; workshop and premises; rental evidence; comparable assessments; appeal allowed in part.

APPEAL NUMBER:	CHG101066434	
RE:	Central Motors, Unit A, Printing House Lane, Hayes UB3 1AP (the "subject property")	
BETWEEN:	Central Motors Limited and Valuation Officer	Appellant Respondent
SITTING:	*remotely using Microsoft Teams*	
ON:	10 October 2024	
BEFORE:	Mrs WJ Briggs, Presiding Senior Member Mrs R Heald, Senior Member	
CLERK:	Mrs H Beresford	
APPEARANCES:	Mr A Moore of Altus Group, representing the Appellant Mr K Chumba, representing the Respondent	

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is allowed in part.

2. The assessment was confirmed at rateable value (RV) £60,000 with effect from 1 April 2017.

Introduction

3. This appeal has been brought in respect of Central Motors, Unit A, Printing House Lane, Hayes UB3 1AP (the "subject property"), which was entered in the 2017 rating list as 'workshop and premises' at RV £63,500, effective from 1 April 2017.

4. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, Altus Group made an appeal to the Valuation Tribunal

for England (VTE) on behalf of Central Motors Limited. The appeal was made because the appellant did not agree with the Valuation Officer's decision not to alter the 2017 rating list following the challenge. The appellant sought a reduction to RV £58,500 with effect from 1 April 2017.

5. The appellant's representative, when appearing as expert witness, stated that he was on a conditional fee arrangement. However, he also stated that he understood and accepted that his first duty was to the VTE in giving his evidence, whether or not the evidence supported his client's case.

6. The panel has accepted this expert witness evidence on the above basis as the appeal is not complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions – general) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 and is 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. It was therefore appropriate for the panel hearing the evidence to consider the 'expert' evidence and assess what weight, if any, to give it in the context of the matters in issue before it.

8. This statement of reasons is not and does not purport to be a full verbatim record of the proceedings.

Background

9. The subject property is a single storey, industrial unit located on Printing House Lane, Hayes, Middlesex built circa 1919-1939. It has an area of 845.40m^2 and an eves height of 3.60m. The property benefits from an insulated roof and walls, has part central heating and no air conditioning. The property is described as a "Workshop and Premises" and is used for vehicle repairs. The workshop is accessed at the rear of the property, which is via a narrow side lane off Printing House Lane, there is also pedestrian access at the front of the property. It is contended by the appellant's representative that this awkward access warrants an end allowance to reflect the disability.

Issue

10. Whether an end allowance of 7.5% should be adopted to reflect poor access.

Relevant Law

11. The term 'rateable value' is defined in Schedule 6 to the Local Government Finance Act 1988 (as amended):

"The rateable value 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 on these three assumptions –

a) the first assumption is that the tenancy begins on the day by reference to which the determination is to be made;

b) the second assumption is that immediately before the tenancy begins the hereditament is in a state of reasonable repair, but excluding from this assumption any repairs which a reasonable landlord would consider uneconomic;

c) the third assumption is that the tenant undertakes to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the hereditament in a state to command the rent mentioned above."

Discussion

12. The panel had to determine the rateable value for the appeal property, which represented a rent that a hypothetical landlord and tenant would agree, as at the AVD, 1 April 2015. The common date was used to ensure that every property was treated in a consistent way.

13. The Lands Tribunal judgment in *Lotus and Delta* v *Culverwell (VO) and Leicester City Council* [1976] RA 141 provided authoritative guidance on the weight to be attached to rental and assessment evidence. The rent on the subject property was considered to be the correct starting point but, where available, rents on similar properties were also to be considered. The assessments on other comparable properties may also be relevant. All of the evidence could then be weighted.

14. The panel noted that there was no rent passing on the subject property as it was held on a freehold basis.

15. The panel had to determine whether an end allowance was warranted to reflect poor access. Mr Moore, the appellant's representative argued that the RV of £63,500 is unwarranted, and that a review of comparable properties with limited access had identified Mb Coaches R/O Unit 9, Silverdale Road, Hayes UB3 3BX as the best comparable property which had an end allowance of 7.5% for poor access. He argued that like the subject property access is awkward and to the rear of the property.

16. Mr Moore contended that access to the subject property is down a small untarmacked sideroad off of Printing House Lane, which restricts access for employees and customers requiring vehicle repairs. There are also several other properties situated in the same area as the subject property which use the side road and there are often parked cars along the side of the road. With regard to the comparable property Mb Coaches R/O Unit 9, Silverdale Road which had an end allowance for poor access of 7.5%. Mr Moore argued that the subject property is equally if not more disadvantaged in terms of access as this road is tarmacked and has a pavement at either side whereas the subject is a concrete lane without pavements.

17. With regard to the comparable properties referred to by the Valuation Officer, Mr Moore contended that these properties were not relevant as they did not have restricted access, and furthermore the base rate of the subject property was not under dispute.

18. Mr Chumba for the Valuation Officer argued that he had inspected the subject property and there was sufficient room for vehicles to pass each other. He contended that the comparable cited by Mr Moore was not comparable to the subject property as there was a much narrower side road with a very tight corner upon which vehicles must turn to access the property. The subject property does not have an equivalent disadvantage. The panel noted that this was a

tarmacked road with road marking and adequate room for vehicles to pass however it accepted that there was poor access.

19. Mr Chumba referred to the comparable rental evidence, in particular Unit 3, Caxton Trading Estate, Printing House Lane, stating that it supported the current tone of £67.50/m^2 for the subject property and hence the RV is fair and reasonable. The panel noted that whilst this property was situated on the same road as the subject property it was situated on a trading estate and did not have the same disadvantage with respect to access.

20. Taking into consideration the photographic evidence and the arguments put forward by the parties, the panel found that, on balance, the access to the subject property was poor but to a lesser extent than that of the comparable property referred to by Mr Moore, it therefore found that an end allowance of -5% should be adopted with effect from 1 April 2017 resulting in an RV of £60,000 as follows:

Subtotal	£63,667
End Allowance Access -5%	-£3,183
Total Value	£60,484
Rateable Value	£60,000

Disposal

21. In view of the above findings and conclusions, the panel allowed the appeal in part.

22. The Tribunal Panel orders under the provisions of regulation 38(4) of The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Tribunal for England orders the Valuation Officer to amend the entry in the rating list to show a revised assessment of £68,500 RV for the appeal property, with effect from 1 April 2027.

23. Under regulation 38(9), the Valuation Officer must comply with this order within two weeks of the date of its making.

24. The appellant is also entitled to a full refund of the fee paid in accordance with regulation 13E(1)(a) of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009 (as amended) provided there is no review of the Tribunal's decision. The refund will take around six weeks to process.

Date issued to parties: 28 October 2024

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.