IN THE VALUATION TRIBUNAL FOR ENGLAND
IN THE MATTER OF A 2017 RATING LIST APPEAL

Case No: CHG101078217

Sitting remotely using Microsoft Teams

Date: 4 August 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — warehouse and premises; end allowance to reflect risk of flooding in dispute; comparable assessments; appeal allowed.

Before:
MR P BLYTHE-BARTRAM
Between:

FORGED SOLUTIONS GROUP LIMITED — **Appellant**

- and -

KAREN GILES
(VALUATION OFFICER) — **Respondent**

Regarding:
GEORGE TURTON PLATTS & CO, MEADOWHALL ROAD, SHEFFIELD, S9 1BW
(the "subject property")

Mr J Abbott from Ryan, representing the Appellant
Mr O Moulsher for the Respondent

Hearing date: 8 July 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is allowed.

2. The rateable value (RV) of the subject property is altered to £208,000 with effect from 1 April 2017, to reflect a 10% end allowance for the risk of flooding.

Introduction

3. This is a 2017 rating list appeal. George Turton Platts & Co, Meadowhall Road, Sheffield, S9 1BW (the 'subject property') had been entered in the 2017 rating list as 'warehouse and premises' at £231,000 RV with effect from 1 April 2017.

4. A challenge proposal was submitted by Altus Group (now Ryan) on behalf of Forged Solutions Group Limited, and was received by the Valuation Officer on 27 June 2023. It had been made on the grounds that the RV was inaccurate. A reduced RV of £208,000 was proposed, to reflect a 10% end allowance for the risk of flooding.

5. The Valuation Officer issued a challenge case decision notice on 17 December 2024, which disagreed with the proposed alteration of the list, and stated that the current rating list entry was reasonable based on the evidence and information available.

6. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appeal to this Tribunal has been made on the grounds that the valuation for the hereditament is not reasonable. The appeal was received by the Tribunal on 7 February 2025.

7. This appeal was heard by a Senior Member sitting alone as the other panel member was unable to attend the hearing, as permitted by the Tribunal's business arrangements.

8. Mr Abbott 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), he declared that he was instructed on a contingency based fee, and that he understood and accepted that his duty was to the Tribunal in giving his evidence, and that 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.

9. The expert witness evidence was accepted 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).

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

Relevant Law

11. Rateable value is to be determined in accordance with paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988, which provides:

(1) 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.

In respect of an appeal against an entry in the 2017 rating list, the rental levels are to be 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 (SI 2014 No. 2841).

12. The material day (the date by which physical factors have to be taken into account) was provided by the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 (SI 1992 No. 556) as amended. In respect of the subject appeal, the material day is 1 April 2017.

Discussion

13. The subject hereditament comprises a warehouse and premises built between 1919-1939 and a warehouse built in 2014. It is located close to junction 34 of the M1 and situated in a high risk flood area (flood zone 3) due to its proximity to the River Don. An underground water course, Blackburn Brook, runs through and around the site.

14. In support of their respective cases, the parties provided photographs of the subject property, and Environment Agency flood risk maps.

15. On behalf of the appellant, Mr Abbott sought a revised RV of £208,000, which reflected a 10% end allowance for the risk of flooding. In support, he provided examples of comparable properties for which the Valuation Officer had applied end allowances for flooding which ranged from 5% to 20%.

16. For the Valuation Officer, Mr Moulsher argued that the risk of flooding is reflected in the tone. In support, he cited two comparable properties in the locality which do not have an end allowance for flooding.

17. The Valuation Officer disputed the relevance of the appellant’s comparable properties, as they were not in the same locality as the subject property. This point was acknowledged by Mr Abbott, who explained that the reason for referring to those properties was to show that there was a precedent for the Valuation Officer agreeing end allowances for properties situated within flood zone 3 areas.

18. In response, the Valuation Officer referred to comparable properties in the locality, which were also located within flood zone 3, but did not receive an allowance.

19. Mr Abbott confirmed that the subject site had experienced two significant flooding events in 2007 and 2019, which had resulted in over £1 million in indirect costs to resolve, and potentially millions more in consequential losses. The fact that the flooding is an ongoing and recurring issue was demonstrated by the appellant's expenditure of £500,000 on flood defences in 2020/2021. For the purposes of this appeal, the 2019 flood and subsequent installation of flood defences were four years post AVD, and therefore would not have been considered at the time of valuing the subject property.

20. With reference to the photographs and flood risk maps, I considered that the subject property could be distinguished from the Valuation Officer's comparable properties. Although situated within flood zone 3, the subject property is located outside of the first flood defences, and has the unique disadvantage of Blackburn Brook running through and underneath the site. As such, I considered that the subject property is subject to a severe disability which a hypothetical tenant would seek to reflect in their rental bid. I was satisfied with reference to the range of end allowances adopted for the comparable properties that Mr Abbott's proposed 10% was fair and reasonable.

Determination

21. In view of the above findings and conclusions, I am satisfied that the appellant's representative has demonstrated that the present RV of £231,000 is not reasonable, and therefore the appeal is allowed.

22. 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 alter the entry in the rating list to rateable value £208,000 with effect from 1 April 2017.

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

24. A refund of the paid fee will now be arranged provided there is no review of the Tribunal's decision. The refund will take around six weeks to process.

Right of further appeal

25. 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.

26. 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 Blythe-Bartram, Senior Member

4 August 2025

Mrs L Horne
Clerk to the Tribunal
Date issued to the parties: 4 August 2025