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

Case No: CHG101079624

Sitting remotely using Microsoft Teams

Date: 21 July 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2017 Rating List Appeal: challenge against compiled list entry; car showroom and premises; accuracy of rateable value; end allowance for flood risk; Alex Galway v Andrew Mouland VTS [2025]; appeal allowed.

Before:

MS LA OWUSU-AFRIYIE

Between:

JOHNSON CARS **Appellant**

- and -

ANDREW MOULAND (VALUATION OFFICER) **Respondent**

Regarding:

MOTORWORLD NEW BARCLAY HOUSE, BOTLEY ROAD, OXFORD OX2 0BP
(the “subject property”)

Mr S Dowds-Jones of Colliers (on behalf of the Appellant as advocate and expert witness)
Mr S Forbes (on behalf of the Respondent as advocate and expert witness)

Hearing date: 27 June 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is allowed.

2. I find the correct reasonable rateable value (RV) on the subject property is £151,000 with effect from 27 November 2019.

Introduction

3. This appeal had been brought in respect of Motorworld, New Barclay House, Botley Road, Oxford OX2 0BP (the subject property), which was entered in the 2017 Rating List as 'car showroom and premises' at an RV of £232,000 effective from 27 November 2019

4. The appellant's Challenge was submitted by the appellant's representative on 29 June 2023 and sought a reduction in the RV to £109,346 which was later amended to £151,000 with effect from 27 November 2019. The appeal to this Tribunal was made on 27 January 2025, following the Valuation Officer's (VO) Decision Notice of 26 September 2024 in respect of the subject property.

5. 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 27 January 2025.

6. The subject property is a car showroom of traditional construction. It is located west of Oxford city centre and east of the A34 providing good transport links. It consists of six separate sections with dividing walls and pillars between them. The site is also physically split into two separate buildings between different showrooms. There is office space and workshop spaces. It also includes 64 Vehicle Display Spaces and 43 car parking spaces. It has a total area of 1,724.10m^2.

7. Mr Dowds-Jones appeared on behalf of the appellant as both advocate and expert witness. Therefore, it was important to ascertain if there was a success related fee involved and if so whether its existence was compatible with his obligations to the tribunal as an expert. This question was raised in view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC). Mr Dowds-Jones confirmed that he was instructed under a contingency fee and he declared 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 his client's case.

8. I 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.

9. I therefore considered the expert evidence and attached such weight to it as I saw fit.

10. I heard this appeal alone. I am permitted to sit alone under the tribunal's business arrangements and so I heard this appeal alone because the other member was unable to attend and another replacement could not be found at short notice.
11. This statement of reasons is not and does not purport to be a full verbatim record of proceedings.

Issue

12. The issue I had to make a finding on was the proposed end allowance of 30% for flood risk which would reduce the RV to £151,000. The VO submits that the subject property's current RV of £232,000 is reasonable and that an end allowance for the risk of flooding is not appropriate.

Preliminary issue

13. The preliminary issue I was to determine was the correct effective date to consider the proposed RV reduction from. The appellant submitted that the correct effective date was 27 November 2019 and arose from a Notice of Alteration which was issued by the VO. Mr Dowds-Jones submitted that on the Challenge document the reason for appeal was stated to be " IP disputes an alteration to the RV made by the VO". He stated that the only alteration made by the VO was that with the effective date of 27 November 2019. He explained that if he had made an appeal against the compiled list entry he would have stated that instead.

14. Mr Forbes stated that he was content that I determine the correct effective date and offered no further submissions.

15. I found that the challenge document clearly stated that the appeal was against an "alteration by the VO" and therefore the effective date for this appeal was 27 November 2019.

Relevant Law

16. In arriving at a decision, I am governed by rating legislation laid down by Parliament where Schedule 6 to the Local Government Finance Act 1988 as amended by the Rating (Valuation) Act 1999, provides that:

    2(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.

17. 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).

18. 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 27 November 2019 the effective date of the alteration to the RV of the subject property by the VO.

Discussion

19. Mr Dowds-Jones confirmed in open tribunal that all matters relating to the car park, access allowance and fragmentation allowance had all now been resolved between the parties and the only matter that remained outstanding was the appellants proposal for a 30% end allowance for the risk of flooding. Mr Forbes did not dispute this summary.

20. I noted that the subject property was in a level three flood risk area which is the highest category of flooding and it flooded frequently. I was aware that this was a permanent disability to the site and it was particularly difficult as the appellant’s business was a car dealership. This meant that every time the site flooded the high value cars were at risk causing the insurance premium to be high. The flooding also affected the neighbouring areas and roads to the subject property which meant that it disrupted potential customers from accessing the appellant’s business. Any customers who did access the business had to view cars in large pools of water which made selling the cars very difficult. I put weight on the fact that the risk of flooding would be a disadvantage to the subject property and put weight on this evidence.

21. I noted that the photographs included in the appellant’s evidence demonstrated that the flooding affecting the subject property was extensive and left the whole site and indeed the surrounding area under water. The flooding had become worse after a new warehouse was built adjacent to the subject property as it was built where previously the excess water would have drained away. This means that the water is now trapped leading to part of the workshop and ground floor offices being submerged and the car park flooded. I also noted the articles from the local paper concerning the flooding on Botley Road the same road the subject property was located on. The articles highlighted the frequency of the flooding as well as the disruption it caused. I put weight on this evidence.

22. I was aware that the VO had determined that there was no evidence that the rent was reduced by the landlord as a result of the flooding. When considering whether an end allowance was applicable on the subject property I did not consider the fact that the rent was not impacted by the flooding to be the determining factor. I was aware that an end allowance is applied when a hereditament has a particular disadvantage compared to the other properties in the same valuation scheme. I found that no evidence was provided by either party of any other properties in the same valuation scheme as the subject property having the same risk of flooding. I therefore found that it was a particular and impactful disadvantage to the subject property and it therefore warranted an end allowance.

23. I then turned to the matter of the level of the end allowance that would be applicable in relation to the flooding risk. I was referred by Mr Dowds-Jones to two comparable properties where an end allowance had been agreed. I noted the property put into evidence by the appellant 38, Fourth Way which was also prone to flooding where an end allowance of 30% was agreed. In that case no evidence of a reduction in the rent was provided and the subject

property in that case had never been flooded unlike the subject property but was at a high risk of flooding. I was referred by Mr Dowds-Jones to the Valuation Tribunal's Decision on appeal number CHG100814409 *Alex Galway v Andrew Mouland VTS [2025]* in connection with the property Hands on Skills Training Ltd, Gate 17, Royal Albert Basin South, London. This property was also in a level three flood risk area and an end allowance of 45% was found to be reasonable due to the likelihood of flooding. I also noted that in paragraph 31 the panel of that case awarded the end allowance despite there being no evidence of a reduced rent being submitted. I was aware that another VTS decision was not binding on me but in connection I put weight on it as it had many similarities to the subject property in this case. I found the fact that both properties were both in a level three flood risk area particularly persuasive and therefore put weight on this evidence.

24. Taking into account of the evidence and submissions made by both parties I found the valuation for the subject property is:

Property Address: Motorworld, New Barclay House, Botley Road, Oxford OX2 0BP
Description: Car Showroom and Premises

Floor	Description	Area/m^2	£/m^2	Value £
Ground	Showroom	525.34	189.00	99,289
Ground	Office	107.07	189.00	20,236
Ground	Internal Storage	222.26	81.00	18,003
Ground	Workshop	82.40	81.00	6,674
Ground	Workshop	605.92	81.00	49,080
M1	Storage	181.11	40.50	7,335
				200,617
	Car wash bay	1.00	3,000	3,000
	Parking Spaces	43.00	130	5,590
	Display Spaces	35.00	450	15,750
	Display Spaces	29.00	300	8,700
	Adjustments Access	-5%		-11,683
	Flood Risk	-30%		-70,097
		Total		**£151,877**
	Revised Rateable Value			**£151,000**

Determination

25. In view of the above findings and conclusions, I found that the existing valuation for the subject property was unreasonable and should be reduced by and end allowance of 30% due to the flood risk.

26. 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 give effect to the above reduced entry for the subject property of £151,000 with effect from 27 November 2019.

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

Right of further appeal

28. 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.

29. 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/.

Ms LA Owusu-Afriyie, Senior Member (Presiding)

21 July 2025

Miss F Willson
Clerk to the Tribunal
Date issued to the parties: 21 July 2025