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

Case No: CHG101097092

Sitting remotely using
Microsoft Teams

Date: 10 September 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — price per m² to be adopted; should the location of a junction in the road be the point where the price per m² changed; other junctions in road illustrated reduction in price, appeal dismissed

Before:
MRS OO ROBSON
MRS N CARMAN

Between:

BREESE (FITNESS 2020) LIMITED **Appellant**

- and -

(VALUATION OFFICER) **Respondent**

Regarding:
151 -153, CAMDEN HIGH STREET, LONDON, NW1 7JR
(the "subject property")

Mr J Fitzsimmons of Ryan on behalf of the appellant
Mr A Ngwube on behalf of the respondent

Hearing date: Friday 5 September 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed. The rateable value (RV) is confirmed at £150,000 based on a price per m² of £2,000, with effect from 1 April 2017.

Introduction

2. This appeal has been brought in respect of the following: an appeal lodged by Ryan on behalf of the occupier, Breese (Fitness 2020) Ltd on 15 November 2024 against the Valuation Officer's (VO) decision of 30 September 2024.

3. Mr Fitzsimmons 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 Fitzsimmons' declaration of truth included a statement that he was instructed under a conditional fee arrangement.

4. Mr Fitzsimmons 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.

5. 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).

6. The panel therefore considered the "expert" evidence and attached such weight to it as it saw fit.

7. Mr Ngwube was appearing in a dual role of advocate and expert witness.

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

Issue

9. The issue before the panel concerned the price per m² adopted for the subject property. Mr Fitzsimmons sought a reduction from £2,000 per m² to £1,500 per m² as he considered the change in the price per m² adopted should occur after the junction in the road at Underhill Passage and not Pleasant Row. He was seeking a reduction in RV to £113,000 with effect 1 April 2017. Mr Ngwube considered that the price per m² adopted was reasonable and sought confirmation of the RV of £150,000.

10. The antecedent valuation date (AVD) was 1 April 2015, and the material date was 1 April 2017.

11. The subject property was a retail until with a receding frontage and was of masonry construction. It was located on the Camden High Street close at the junction with Camden Town tube station which was approximately two minutes walk away. Values within Camden High Street ranged from over £3,000 per m² close to the tube station to £400 per m² further away from the station. The property was located next to Marks and Spencer food hall supermarket.

Decision and reasons

12. Mr Fitzsimmons accepted the tones that had been established for Camden High Street but considered that the change in the price per m² from £2,000 per m² to £1,500 per m² should be at Underhill Passage and not Pleasant Row. He stated that Pleasant Row was a locked alleyway between the shops and did not lead to an alternative destination whereas Underhill Passage was an open walkway between Camden High Street and Arlington Street. He stated that other areas where reductions in values had occurred were at road junctions such as Greenland Street, Pratt Street and Delancy Street.

13. Mr Fitzsimmons considered that the junctions in the road signified lesser footfall the further you went away from the tube station. Also, those shops on the corner all had return frontages, the same with the shop on the corner with Underhill Passage, but not the shop on the corner with Pleasant Row. In support of his contention, he provided assessment details of 135 to 141 Camden High Street which had been valued at £1,500

14. In answer to a question Mr Fitzsimmons confirmed the presence of Marks and Spencer's next to the subject property but stated that it was valued on a different basis.

15. Mr Ngwube considered that the price per m² adopted was reasonable and had been established having considered all rental evidence in the road. The further from the tube station the lower the price per m² adopted. Whilst in other places within Camden High Street the reduction in values occurred at road junctions it was not always the case and the reduction in values may occur where there were breaks in a parade of shops or a large store such as Marks and Spencer's.

16. Mr Ngwube stated that Underhill Passage led to residential properties and an office but not to another retail area unlike the other junctions and did not consider Underhill Passage to be the appropriate break. In support of £2,000 per m² he provided assessment details of 155 and 157 Camden High Street which he considered, as neighbouring hereditaments, were superior to those properties provided by Mr Fitzsimmons.

17. The panel observed that properties located at junctions further away from Camden Town Underground Station had led to a reduction in value. The panel also noted that the subject property was between both Underhill Passage and Pleasant Row and had shops on either side of it which included Pret a Manger and Marks and Spencer's. Whilst Marks and Spencer was valued on an overall basis, Pret a Manger had been valued at £2,000 m2, as was 157 Camden High Street. These two hereditaments were, like the subject property, located after Underhill Passage. The panel considered this was compelling evidence.

18. The panel considered that Mr Fitzsimmons comparable hereditaments did not support a reduction in price per m² for the subject property as they were in a different parade whereas Mr Ngwube's comparable hereditaments were neighbouring properties in the same parade as the subject property.

19. The panel was aware that the reduction in values was due to reduced footfall. The panel noted that the further a property was located from Camden Town Underground Station, the lower its price per m² tended to be. However, reduced footfall may result not only from road junctions diverting pedestrian traffic away from the High Street, but also from other factors such as breaks in retail parades or the presence of large-format stores.

20. The panel noted that Underhill Passage was a footpath between Camden High Street and Arlington Road and that it was a pathway to residential properties and an office whereas the other junctions were actual roads. The panel was not persuaded that this should be where the reduction in values should occur.

21. The panel considered footfall would continue from Camden Town tube station past Underhill Passage to Marks and Spencer's Foodhall and that footfall would reduce from that point. The panel therefore considered that the reduction in value should be at that point and not Underhill Passage, which was located between Camden Town tube station and Marks and Spencer. As the subject property was located between Camden Town tube station and Marks and Spencer's its value should be the same as Pret a Manger and 157 Camden High Street which was £2,000 per m^2.

22. The panel had not been persuaded by Mr Fitzsimmons that the price per m^2 adopted was extreme and considered that £2,000 per m^2 was reasonable.

Determination

23. In view of the above findings and conclusions, the Tribunal is satisfied that RV £150,000 based on a price per m^2 of £2,000 was reasonable and accordingly dismiss the appeal.

Right of further appeal

24. 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.

25. 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/.

Mrs OO Robson, Senior Member (Presiding)

Mrs N Carman, Senior Member

10 September 2025

Mr A Jolly
Clerk to the Tribunal
Date issued to the parties: 10 September 2025