IN THE VALUATION TRIBUNAL FOR ENGLAND
IN THE MATTER OF A 2023 RATING LIST APPEAL

Case No: CHG101098066

Sitting remotely using Microsoft Teams

Date: 11 June 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 Rating List Appeal: Local Government Finance Act 1988; accuracy of the rateable value in the list as at 1 April 2023; offices and premises; rental evidence; comparable assessments; appeal dismissed

Before:
MS AG COLE ROBERTS

Between:

IBB LAW LLP — **Appellant**

- and -

ANDREW MOULAND (VALUATION OFFICER) — **Respondent**

Regarding:
GROUND & 1ST FLOOR RIGHT, CAPITAL COURT, WINDSOR STREET, UXBRIDGE UB8 1AB
(the "subject property")

Mr C Cates of Ryan Group, as advocate, representing the **Appellant**
Mr A Moore of Ryan Group, as expert witness, for the **Appellant**
Miss J Snelgar, for the **Respondent**

Hearing date: 22 May 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed.

2. The assessment was confirmed at rateable value (RV) £367,500 with effect from 1 April 2023.

Introduction

3. This appeal has been brought in respect of Ground & 1st Floor Right, Capital Court, Windsor Street, Uxbridge UB8 1AB (the “subject property”), which was entered in the 2023 rating list as ‘offices and premises’ at RV £407,500, effective from 1 April 2023.

4. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, Ryan Group made an appeal to the Valuation Tribunal for England (VTE) on behalf of LBB Law LLP. The appeal was made because the appellant did not agree with the Valuation Officer’s decision to reduce the RV to £367,500 in the 2023 rating list following the challenge. The appellant sought a reduction to RV £327,500 with effect from 1 April 2023.

5. The Tribunal Business Arrangements provide that a hearing will normally take place before a panel of two members of the Tribunal, including at least one Senior Member. However, paragraph 11 of those Arrangements also provide that a Senior Member may sit alone to avoid postponing the hearing where a second panel member is unable to sit for any reason. In respect of this hearing, a second panel member gave notice of unavailability within one working day of the hearing and a replacement could not be found. In accordance with Paragraph 11 of the Tribunal Business Arrangements, I am satisfied that I am authorised to hear and determine this appeal alone.

6. The appellant’s representative, Mr Moore, 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.

7. I have 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).

8. It was therefore appropriate for me to consider the ‘expert’ evidence and assess what weight, if any, to give it in the context of the matters in issue before me.

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

Background

10. Capital Court is a 2002 built office building located in Uxbridge, close to Uxbridge Station and the town’s retail pitch. It is situated in a prominent position in the town, fronting the main ring

road, the A4020. Capital Court had not undergone any substantial refurbishment works since it was built, it has an area of 1998.20m^2.

11. The appeal to the VTE was made on the grounds that the valuation for the subject property was not reasonable.

12. The base level of value adopted for the subject property was not agreed. The valuation officer had adopted £185/m^2, however, the appellant's representative sought a reduction to £165/m^2 in his analysis which resulted in a rateable value of £327,500.

Relevant Law

13. 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

14. I had to determine the rateable value for the subject property, which represented a rent that a hypothetical landlord and tenant would agree, as at the AVD, 1 April 2021. This common date was used to ensure that every property was treated in a consistent way.

15. 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 taken into account. The assessments on other comparable properties may also be relevant. All of the evidence could then be weighted.

16. I noted that in this appeal the subject property had a rent re-gear at £360,085 per annum effective 11 June 2020 for ten years with a 1.5 year rent free period. Mr Moore had analysed this rent to £165/m^2, and the Valuation Officer had analysed it to £167.07/m^2. Mr Moore attached significant weight to this rental evidence. I noted that this was a rent re-gear agreed at the time of the COVID pandemic when the original lease still had four years to run, I could therefore attach only moderate weight to this rent.

17. Mr Moore referred to the rental evidence which had been cited by the valuation officer:

- GND and Part 1ST Blake House, which has an area of 1370.22 m^2, this was a new lease at £398,200 per annum with effect from 1 January 2021 for ten years with a 26 months' rent free period and a break clause at five years. Mr Moore had analysed this rent to £149.03/m^2, on questioning he stated that he had made no adjustment for fit out. This property had been extended and refurbished; it has a base rate of £215/m^2. Mr Moore did not consider this property to be a reliable comparator.
- 1st Floor West, Charter building, has an area of 760.44m^2, this was a lease renewal at £231,744 per annum, it has a base rate of £290/m^2. Mr Moore stated that this property was not comparable to the subject property as it was of superior specification and in a superior location.

18. Miss Snelgar appeared as expert witness and advocate, she did not consider that significant weight should be attached to the rent on the subject property because it was agreed ten months prior to the AVD at a time when the market was unstable due to COVID, furthermore, it was a reconfiguration of an existing lease which was due to end in 2024 and would therefore carry less weight even than a rent renewal. She argued that in this situation and given the unstable market, both parties to the lease would have a vested interest and consequently the rent was far less reliable as it was not reflective of the open market or the hypothetical tenant.

19. Miss Snelgar argued that the new letting on GND and Part 1st Blake House was more relevant than the rent reconfiguration on the subject property. This rent was agreed closer to the AVD on 1 January 2021, and she had analysed it over the five years to the break clause. Miss Snelgar had analysed the rent to £220/m^2, and she argued that it supported £185/m^2 for the subject property which was of a lower quality.

20. I noted that GND and Part 1st Blake House was a similar office to the subject property, albeit it had been refurbished, it was situated only one mile away from the subject property and would have a similar potential tenant. I found this to be good evidence of a new open market letting and I attached some weight to it.

21. Having considered all of the evidence and arguments before me I found the evidence and arguments put forward by Miss Snelgar which supported a base rate of £185/m^2 for the subject property to be the more persuasive.

22. I was aware that in cases of this nature the burden of proof is on the appellant to satisfy the Tribunal that the appeal should be allowed. In this case I was not persuaded by the evidence and arguments put forward by the appellant's representative that a reduction in the assessment to RV £327,500 was warranted and I found the RV of £367,500, with effect from 1 April 2023, to be fair and reasonable.

Determination

23. In view of the above findings and conclusions, the appeal was dismissed.

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/.

Ms AG Cole Roberts, Senior Member (Sitting alone)

11 June 2025

Mrs H Beresford
Clerk to the Tribunal
Date issued to the parties: 11 June 2025