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

Case No: CHG101118598

Sitting remotely using Microsoft Teams

Date: 28 November 2025

Before:
MRS E NGOGA
MISS Z HUNDLEY
MRS A TAYLOR

Between:

SEGRO PLC — **Appellant**

- and -

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

Regarding:
284, ABERDEEN AVENUE, SLOUGH, SL1 4HG
(the “subject property”)

Mr A Moore from Ryan Property Tax Services Ltd, representing the Appellant
Mr J Balogun for the Respondent

Hearing date: 7 November 2025

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The panel determined that the subject property was capable of beneficial occupation on the material day and should remain in the 2023 rating list.

STATEMENT OF REASONS

Introduction

3. This is a 2023 rating list appeal. 284 Aberdeen Avenue, Slough, SL1 4HG (the subject property) had been entered in the 2023 rating list as “warehouse and premises” at £27,000 rateable value (RV) with effect from 1 April 2023.

4. The challenge proposal was submitted by Altus Group (now Ryan Property Tax Services UK Ltd) and received by the Valuation Officer on 30 August 2023. It had been made on the grounds that the subject property was incapable of beneficial occupation and should be deleted from the rating list with effect from 11 April 2023.

5. The Valuation Officer issued a challenge case decision notice on 20 February 2025, which disagreed with the proposed alteration and stated that the 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 18 June 2025.

7. Mr Moore 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.

8. 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).

9. The panel therefore considered the “expert” evidence and attached such weight to it as it saw fit.

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

Preliminary issue

11. Prior to the hearing, Mr Moore provided a recent Valuation Tribunal decision and a marketing brochure for the subject property. At the hearing, Mr Balogun stated that it was his duty to object to a late request to submit additional documents, however, he confirmed that if the panel considered them to be useful, he would have no objection.

12. After a short adjournment, the panel confirmed that the additional documents could be introduced into the proceedings.

Relevant Law

13. The statutory definition of a hereditament is contained within section 64 of the Local Government Finance Act 1988. A hereditament is, by virtue of Section 115(1) of the General Rate Act 1967 a "…property which is or may become liable to a rate, being a unit of such property which is or would fall to be, shown as a separate item in the valuation list"

14. Paragraph 2 of Schedule 6 to the Local Government Finance Act 1988 contained the statutory hypothesis for determining the rateable value of a non-domestic hereditament. This provides that:

    (1) The rateable value of a non-domestic hereditament property, 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 based 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.

15. Whilst the rateable value is determined having regard to the antecedent valuation date (1 April 2021), the valuation must reflect the physical facts relating to the subject property and its locality on the date the determination is made or amended (the material day). In this appeals, the material day was 11 April 2023, this being the date the appellant's representative had sought the deletion of the subject property from the valuation list.

16. The parties referred to the following judgments:

    - *Newbigin (VO) v S J & J Monk* [2017] UKSC 14
    - *Jackson (VO) v Canary Wharf Ltd* [2019] UKUT 0385 (LC)
    - *Morcom v Campbell-Johnson* [1956] 1 QB 106
    - *BNPPDS(J) Ltd and BCI Ltd (as Trustees of the Blackrock Industrial Trust) v Hitchings(VO)* [2025] UKUT 104 (LC)
    - *Aviva Investors v Bunyan (VO)* [2022] VTE CHG100345300

- *Porter (VO) v Trustees of Gladman SIPPS* [2011] UKUT 204 (LC)
- *Aviva Investors v Whitby* [2013) UKUT 0430 (LC)

Discussion

17. The issue to be determined by the panel was whether the subject property was incapable of beneficial occupation on the material day of 11 April 2023.

18. The subject property is a small industrial unit of 149m^2, built in 1985 of standard steel and brick portal frame construction.

19. On behalf of the appellant, Mr Moore submitted that the subject property was incapable of beneficial occupation due to a scheme of works which had taken place between 11 April 2023 and 26 May 2023 at a cost of £92,000, which involved substantial alterations, upgrades and redevelopment.

20. The case for the Valuation Officer is that the works were repair and refurbishment, not redevelopment, reconstruction or radical alteration. As such, the hereditament did not cease to exist, and the Valuation Officer was required to assume that the works had been completed by the hypothetical landlord, under the statutory repair assumption.

21. A summary of the works was provided by Mr Moore as being extensive with all lighting, data communications and electrical wiring stripped from both warehouse and offices. A mezzanine floor was demolished, and a manually operated loading door was replaced by an automated door with a new power supply. The hot water system was stripped and the outer layer of the roof lights replaced. The cost of the works was four times the 2023 RV showing the extent of the development and transformation of the warehouse.

22. Mr Moore contended that the warehouse could not have been occupied after small power, lighting, all cabling and the manual load door had been removed. Therefore, the subject property did not constitute a hereditament and should be deleted from the rating list. In support he referred to *Aviva v Whitby* and *Porter v Gladman SIPPS*.

23. The schedule of works had been listed in the Valuation Officer's Decision Notice with the following commentary:

External Works

- Cleaning of roof cladding, rooflights, brickwork, rainwater goods, windows, and hardstanding.
- Sealing of roof cladding joints.
- Replace outer skin of rooflights.
- Repair and line guttering.
- Replace damaged facia and paint.
- Remove tenant installed items.
- Repointing up to 5m^2 of brickwork.
- Prep and repaint cladding.
- Automate the existing roller shutter door.
- Replace fire exit door.

The Valuation Officer submitted that none of the above go beyond works of repair, do not change the property, and would not make the property incapable of occupation. The upgrade of the roller shutter door is regarded as repair with the modern equivalent per *Morcom v Campbell-Johnson*.

Internal

- Remove tenant installed items including alarm, signage.
- Replace window handles and required closing mechanisms.

Office

- Remove tenant installed fixtures.
- Replace existing carpet.
- Repair any damage to trims and walls and paint.

WCs

- Clean sanitaryware and flooring.
- Replace tiles.
- Repair damage to walls and trims and paint.
- Replace damaged boarding to flat roof.

Warehouse

- Remove tenant fixtures including the mezzanine, tea point and stored items.
- Install tea point/kitchenette.
- Clean internal surfaces.
- Replace roof liner panel.
- Repair blockwork where needed.
- Decorate stell work, blockwork, floor and timber surfaces.

Electrical/mechanical

- Strip pout redundant cabling, controls and distribution board and reinstate to base build spec.
- Strip out tenant fitted data and comms equipment.
- Install upgraded LV distribution system and reconnect sun main cabling.
- Replace lighting with LED lighting.
- Install fire alarm system, service WC extractor and heating.
- Replace electric heaters in office with equivalent.
- Replace water heater.

The Valuation Officer recognised that works of repair, redecorating and replacement were disruptive, but relatively short tasks which could be completed in stages. The removal of tenant's fixtures would usually take place at the end of a lease. As repair rather than redevelopment or reconstruction then in rating law it must be assumed to have already been done by the landlord, in line with the statutory assumption.

24. The Valuation Officer did not accept that the scheme of works had reached the threshold of being a property undergoing redevelopment which made it incapable of beneficial occupation. In line with *Newbigin v Monk,* the Valuation Officer had made an objective assessment of the physical works and had determined that the works described in the tender document did not go beyond being a scheme of repair.

25. Mr Moore submitted that the Valuation Officer had failed to follow the leading cases of *Monk* and *Canary Wharf*, however, the panel considered that the schedule of works undertaken at the subject property could be distinguished from those cases. In *Monk*, a three-storey office building was subject to renovation and improvement with a view to making the offices more adaptable for use as either three separate suites or a single suite. This involved substantial construction work with the premises stripped to a shell. Similarly in *Canary Wharf*, offices had been stripped back to a shell and core condition. With reference to the scheme of works and the photographs provided, it was clear to the panel that the subject property had not been stripped out to a shell.

26. The demolition of the mezzanine had been referred to by Mr Moore as reducing the total floor area. However, it had been confirmed by the Valuation Officer that the mezzanine, which appeared to be a temporary wooden structure, had not been included in the assessment of the subject property. In any case, the panel was not persuaded that the removal of the mezzanine would have rendered the subject property incapable of beneficial occupation.

27. It appeared to the panel that Mr Moore had placed great emphasis on the guidance provided in *Aviva v Whitby* and *Porter v Gladman SIPPS,* regarding whether the subject property was capable of occupation in the absence of lighting and power. However, the panel was aware that those cases related to the rateability of new hereditaments, which was not relevant to the consideration of whether a property presently in the list was capable of beneficial occupation.

28. The panel had been referred by Mr Moore to a number of Valuation Tribunal decisions, in which the properties had been found to be incapable of beneficial occupation. While there may have been some similarities with the subject property, the panel considered that it was necessary to consider each case on its own merits.

29. The panel acknowledged that the subject property had been subject to a programme of works, however, they were not as extensive as those outlined in the leading cases. The panel considered that they were works of repair, refurbishment, and as such, they were assumed to have been completed in accordance with Schedule 6 paragraph 2(b) of the 1988 Act.

Conclusion

30. In view of the above findings and conclusions, the Tribunal determined that the subject property was capable of beneficial occupation on the material day of 11 April 2023, and therefore the appeal was dismissed.

Right of further appeal

31. 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) using Form T385 (Notice of appeal) within **four weeks** of the date this decision and statement of reasons was issued.

32. 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 E Ngoga, Senior Member (Chair)
Miss Z Hundley, Senior Member
Mrs A Taylor, Member
28 November 2025

Mrs L Horne
Clerk to the Tribunal
Date issued to the parties: 28 November 2025