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

Case No: CHG101143352

Sitting remotely using Microsoft Teams

Date: 21 November 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 Rating List Appeal: Local Government Finance Act 1988; warehouse and premises; end allowances; fragmented site; access issues; flood risk; appeal allowed in part

Before:
MR WJ READ
MS A VERMA

Between:

GRANT & STONE LTD — **Appellant**

- and -

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

Regarding:
GRANT & STONE LTD, STOCKLAKE, AYLESBURY, BUCKS HP20 1DA
(the "subject property")

Appearances:
Stephen Dowds-Jones of Colliers International, for the Appellant
Yonathan Napal for the Respondent

Hearing date: 11 November 2025

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed-in-part.

2. The Tribunal finds that the rateable value was unreasonable and confirmed a reduction to £72,500 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. This appeal has been brought in respect of the following: Grant & Stone Ltd, Stocklake, Aylesbury, Bucks HP20 1DA which was shown in the 2023 Rating List as 'warehouse and premises' at £85,000 rateable value (RV) effective from 1 April 2023. The subject property is located on a self-contained site fronting Stocklake in Aylesbury. It comprises three industrial units, constructed in the 1960's, 1980's and 2000's.

4. A challenge was submitted on 12 October 2023 which disputed the determination of the RV. It challenged the total area of the hard surface land and sought allowances for access, fragmentation and flood risk. The respondent's challenge decision was that the proposal was not well founded and upheld the £85,000 RV.

5. At the time of the appeal the issues which remained in dispute were:

   - A 7.5% end allowance for fragmentation
   - A 5% end allowance for access
   - A 30% end allowance for flood risk

6. In advance of the hearing both parties referred to decisions of the Valuation Tribunal and the respondent provided photographs of the subject property. Decisions of the Tribunal are not considered new evidence but for the avoidance of doubt, no objections were raised to their admission. Similarly, photographs can be submitted providing the parties agree they represent the situation as at the material date. No issue was raised in this regard and as such, the decisions and photographs were considered by the panel alongside the evidence bundles.

7. On the day of the hearing the respondent confirmed that the RV was reduced to £83,000, as such, this was the valuation he was defending. This did not include and end allowance but the rate had been reduced on the 2005 warehouse to account for the downward slopping and access. A revised valuation was sent to the clerk and this had been sent to the appellant.

8. Both Mr Napal, for the respondent, and Mr Dowds-Jones, for the appellant, appeared in dual roles of 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 Dowds-Jones declared that he was instructed under a conditional fee and declared that he understood that his overriding duty was to the Tribunal.

9. The panel accepted the expert witness evidence on this basis as the appeal was not considered to be 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 Tribunals' rules concerning admissibility of evidence (regulation 17(2)(a) where the Tribunal

can admit evidence whether or not it would be admissible in a civil trial). 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 verbatim record of proceedings.

Issue & Relevant Law

11. The issue between the parties concerned the RV of the subject property, specifically, the extent to which the assessment was affected by the disadvantages.

12. The term ‘rateable value’ as defined in paragraph 2(1), 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.”

13. The antecedent valuation date (AVD) for 2023 list rating appeals is 1 April 2021. The material day is 1 April 2023.

Discussion

14. In reaching its decision, the panel found that there was no dispute over the applied tone, the panel was considering whether the disadvantages to the subject property would impact the hypothetical tenants bid and therefore warrant a reduction. It considered each issue in turn.

Fragmentation

15. The panel found that the site view provided that the subject property was divided into three separate buildings. There were two adjoining industrial units and one physically separate building. Within the challenge decision, the respondent’s reasoning for not awarding an allowance for fragmentation was that it was not a split site and that it was different use to the comparable properties referred to by the appellant. The panel found that there clearly was three separate units within one hereditament and thus, factually, it was fragmented.

16. The appellant submitted that the site efficiency was impaired by the inefficient layout. The dividing walls between the adjoining units are restrictive and products must be taken outside to transport them between the adjoining units and the physically separate industrial unit. Not only does the fragmented nature of the site reduce its efficiency but it also creates an increased repair and maintenance liability for the occupier, for instance the property has several different roofs to maintain with different repair liabilities rather than just one. Ideally, a tenant would have a single industrial unit of similar size rather than multiple separate buildings.

17. There were multiple assessments brought before the panel as comparable evidence, this included properties which had allowances ranging between 5% to 10% for fragmentation. In particular, the appellant referred to Units 5, 6 and 7 Wycombe Trade Park, Lincoln Road, High Wycombe. This assessment had a 7.5% allowance and the layout was similar to the subject property in that they both consist of three industrial units. The panel noted that the units at Wycombe Trade Park were adjoining in a terrace. The panel gave weight to the appellant's contention that this demonstrated that a 7.5% allowance was realistic in respect of the subject property as the panel found that it was reasonable to conclude that terraced properties would potentially be less of a disadvantage than the physically separate building.

18. In addition, the appellant referred to the Valuation Tribunal's decision in respect of 277 Lincoln Road, Enfield EN1 1SY. This case regarded two physically separate industrial units and the Valuation Officer applied a 5% fragmentation allowance and the appellant sought an increase in this allowance to 10%. The appeal was allowed and the fragmentation allowance increased to 10%. Similar to the subject appeal case, comparable evidence was referenced from a variety of locations across the South East in support of the appropriate level of fragmentation allowance to apply.

19. The panel found that whilst location is important when considering the tone derived from rental evidence, in respect of a fragmentation allowance, comparison can be drawn between two hereditaments which share similar disadvantages. Consequently, the panel placed weight on the comparable evidence, and in particular, Units 5, 6 and 7 Wycombe Trade Park, Lincoln Road, High Wycombe.

20. During the hearing, the respondent made great play of the fact that the subject property was a building merchants and therefore was not like for like with the comparable assessments. He asserted that the fragmentation would not impact the hypothetical bid for such type of properties, given that usually this type of use would look to occupy sites such as this. The panel noted that the subject property and the properties presented as comparable were in the rating list as Warehouse and Premises. Whilst the respondent had alluded to different use in the challenge decision it had not stated that it was used as a building merchants and there was no evidence brought before the panel to support his assertion/opinion that this would not be a disadvantage. Whilst use would be a consideration, the panel was mindful that it was considering the industrial property vacant and to let, and with no evidence to the contrary, the panel was satisfied that the evidence brought before it supported a 7.5% end allowance.

Access

21. The appellant sought a 5% end allowance for access. It was submitted that there was one access/exit point shared by employees and lorry drivers and that this was unusual for a property of this size and posed a health and safety risk. Furthermore, the site access is worsened by the fact that it becomes extremely narrow as the site tapers in towards the

centre. One of the warehouses, as well as the entirety of the substantial rear yard area, is only accessible through this unusually narrow route. The site plan shown that the narrow access was through the centre of the site and the loading doors neighboured this, meaning there was no room for a lorry to pass through when someone was loading which the appellant submitted would be inconvenient to any hypothetical occupier.

22. The appellant referred to the assessment of 6 Masters Yard, Railway Terrace, Kings Langley, Herts which had a 10% allowance agreed in the 2017 rating list to account for the narrow access at the property. It was submitted that the narrow access was in the centre of the site, similar to that of the comparable. It was accepted that 6 Masters Yard was on a shared site and therefore was more severe than the subject property, which was a self-contained site. Thus, he was seeking a 5% allowance which he considered adequately reflected the access issue.

23. The respondent submitted that the properties presented as comparable were not similar in that there was a car showroom, factories and some had other disadvantages present, for example, one was situated on a tight corner. Furthermore, the photograph of the subject property demonstrated that the entrance was more than good enough and shown a large lorry driving in.

24. The panel found that whilst allowances on other properties may assist it in determining a level of allowance, they would carry more weight if the circumstances were more closely comparable to the subject property, for example, 6 Masters Yard was a shared access. The panel found it was necessary to consider the subject property on its own merits and having regard to the photographs provided and given that the narrow section was in the centre as opposed to the main entrance, it was not persuaded that this was a disadvantage severe enough to warrant an end allowance.

Flood risk

25. The appellant was seeking a 30% allowance for the flood risk. Within the challenge decision the respondent decided to not award an allowance, however, it had since applied a 20% reduction to the rate applied to the building at the rear due to the access and downward sloping. As such it was his contention that to award an end allowance would be double counting. The revised valuation took into account many factors and there was no evidence in support of it, so whilst the panel was mindful of the reduction to the rate applied to the 2005 building, it also found it necessary to explore whether an end allowance was applicable for the sole issue of flood risk in line with the appellant's appeal grounds.

26. Both parties had referred to previous decisions of the Valuation Tribunal. In *Johnson Cars v Mouland* [VTE, CHG101079624, 2025], which was referred to by the appellant, a 30% allowance was awarded for flood risk. The panel noted that this property had been flooded frequently. The appellant submitted that two of the comparable properties relied on in that decision were given allowances without proof of flooding and were also referred to in the appeal for the subject property. The respondent referred to *Gavin Jones v Mouland* [VTE, CHG100927477 & CHG100828260, 2025] in which the panel found that no allowance was due owing to the fact that there was no evidence that the property subject to appeal had actually flooded.

27. Whilst previous decisions of the Valuation Tribunal for England may offer assistance, the panel was aware that such decisions were not binding on it. It found that the Tribunal was

deciding each appeal on the evidence available to it and this appeal should be decided on its own facts and indeed the evidence brought before it.

28. In the 2017 rating list, the subject property was granted a 5% allowance for flood risk but it was the appellant's submission that this was not sufficient and did not reflect the severity of the issue. It was the respondent's position that this was incorrect and had been corrected for the 2023 rating list.

29. In reaching its decision, the panel had regard to the flood risk map which provided that the subject property was in flood zone 2 & 3 and therefore posed a high risk of flooding. The panel was also presented with a flood risk summary for the locality detailing that it was of high risk of surface water as rain water cannot drain away through the normal drainage systems. Therefore, the subject property is prone to flash flooding, which the appellant stated can severely affect hard surface land, such as the yard area present at the subject property. It was the appellant's contention that such flood risk would have financial implications on the tenant and any hypothetical tenant would expect to be compensated for this in a lower rent due to the negative financial implications. The panel found that there was no evidence that the subject property had flooded, nor was there evidence of expenditure for flood prevention measures.

30. 38 Fourth Way, Wembley was referred to. On the flood risk assessment map provided it was noted that this was in an area of lower flood risk compared to the subject property but had been granted a 30% allowance for flood risk. It was similar in size and was an industrial premises but it was in a different locality, with the flood risk being from the River Brent so not entirely comparable.

31. Ultimately, the panel found that when considering an allowance for a disadvantage it must assess the severity. It was the panel's view that a property that had flooded previously would likely have a more severe impact on the hypothetical tenant's bid. In this case, no evidence was presented to demonstrate that the subject property had flooded. However, it did attach weight to the flood risk map and found that there was a significant flood risk. Furthermore, the photographs demonstrated rain water pooling in areas. The panel also considered that 5% was applied to the 2017 list. Whilst each rating list is considered de novo, and of course carried different AVD's in respect of rents, the panel found that there had been no change and no evidence to show that this was incorrectly awarded in the 2017 rating list. Especially when considering that the subject property is in a higher risk zone. It is reasonable to conclude that a disadvantage which previously existed would still exist unless there was evidence to the contrary. Furthermore, the respondent had reduced the rate applied to the building to the rear with one of the reasons being due to flood risk, as such, he was accepting that the risk was still there.

32. Having made the above observations, the panel was not persuaded to grant a 30% end allowance, and found a 5% end allowance to be fair and reasonable.

33. Applying the 7.5% allowance for fragmentation and the 5% for flood risk results in a RV of £72,500 as shown below:

Description	Area m²/unit	£ per m²/unit	Value
Reception/retail/office bldg	111.48	£84.00	£9,364
First floor internal storage	59.46	£44.36	£2,638
1960's workshop	202.56	£68.25	£13,825
1980's workshop	398.15	£71.66	£28,531
External storage	7.11	£53.75	£382
2005 warehouse	142.51	£61.60	£8,779
2005 warehouse area under mezzanine	32.37	£43.12	£1,396
2005 warehouse open Mezzanine	32.37	£30.80	£997
Total	**986.01**		**£65,912**

Additional details

Description	Area m²/unit	£ per m²/unit	Value
Rear Yard 1	600	£12.00	£7,200
Rear Yard 2	675	£12.00	£8,100
Open Storage Area 1	59.5	£8.00	£476
Open Storage Area 2	54	£8.00	£432
Open Storage Area 3	65	£8.00	£520
Open Front Display Area	43.56	£8.00	£348
Outside staff canteen	17.17	£20.00	£343
Total			**£17,419**
Subtotal			**£83,331**

Additional details

Description		Adjustment	
Flood risk allowance		-5%	4166.55
Fragmentation allowance		-7.50%	6249.83
		Total	10416.38
Total value	**£72,915**		
Rateable value (rounded down)	**£72,500**		

Conclusion

34. In view of the above findings and conclusions, the Tribunal is satisfied that the RV is unreasonable and the appeal is allowed in part.

35. Accordingly, under the provisions of regulations 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 reduce the entry in the rating list in respect of Grant & Stone Ltd, Stocklake, Aylesbury, Bucks HP20 1DA to £72,500 with effect from 1 April 2023.

36. 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

37. 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.

38. 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 WJ Read, Senior Member (Chair)
Ms A Verma, Senior Member
21 November 2025

Mrs C McAvoy
Clerk to the Tribunal
Date issued to the parties: 21 November 2025