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

Case No: CHG101144351 & CHG101143896

Sitting remotely using Microsoft Teams

Date: 1 December 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — 2017 Rating List appeal; Local Government Finance Act 1988; The Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 [SI 1992 No 556]; The Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009 [SI 2009 No 2268]; tone and end allowance in dispute; consolidated hearing; appeal dismissed/appeal allowed in part.

Before:
MS L DUBOW
MRS P AHARK

Between:

BARCLAYS **Appellant**

- and -

NICOLA JOHNSON (VALUATION OFFICER) **Respondent**

Regarding:

BST & GRD FLR PT ALHAMBRA HSE 23-33, CHARING CROSS ROAD, LONDON WC2H 0AU

(the “subject property”)

Mr S Griffin from Jones Lang LaSalle Limited for the Appellant
Mr A Ngwube for the Respondent

Hearing date: 4 November 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal in relation to CHG101143896 was allowed in part.

2. The Tribunal found that a 15% allowance should be applied to the assessment of the subject property. The Rateable Value (RV) was therefore confirmed to be £199,000 for the period 1 April 2017 to 12 May 2018.

3. The appeal in relation to CHG101144351 was dismissed as the Tribunal confirmed the RV as £234,000 with effect from 12 May 2018.

Introduction

4. Both appeals related to the 2017 Rating List. The subject property was entered in the 2017 Rating List as 'Bank and premises' with an RV of £205,000 effective from 1 April 2017 and had been placed into the Valuation Scheme 433706. This figure included a 12.5% temporary allowance for ongoing works with regards to the subject property.

5. Following the removal of this allowance after the works had ceased, the RV was increased to £234,000 with effect from 12 May 2018.

6. A Check had been submitted on 17 March 2023 in respect of both appeals. The Check had been completed on 14 June 2023. Challenges had been submitted on 13 and 14 October 2023 and were completed on 7 February 2025. Appeals to this Tribunal were received on 5 and 6 June 2025.

7. Mr Griffin 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), his declaration included a statement that he was not instructed under a conditional based fee.

8. Mr Griffin also 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.

9. 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).

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

11. Mr Ngwube also appeared in a dual role as advocate and expert witness.

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

Background

13. The subject property was located on the ground floor of a ten-storey building, with the appellant occupying both the ground floor and basement. It was situated on the western side of Charing Cross Road, near its southern end, close to Trafalgar Square and Leicester Square.

14. The appeal concerning the RV of £205,000, effective from 1 April 2017, was an historic case. It sought to reduce the Zone A rate applied to the subject property from the unadjusted figure of £1,655 per m² to £1,000 per m². The allowance of 12.5% had been applied under the 2010 Rating List from 20 February 2017 to reflect works at the property and was carried forward into the 2017 Rating List at the same rate. However, this appeal also challenged the allowance applied for scaffolding and building works at the subject property from 12.5% to 15%. Mr Griffin contended that as of 1 April 2017, he requested the revised RV of £180,000 for the period 1 April 2017 to 18 May 2018.

15. The appeal concerning the current assessment of the subject property, effective from 18 May 2018, sought to reduce the Zone A rate from the unadjusted figure of £1,655 per m² to £1,000 per m². If successful, this would result in a revised RV of £213,000 with effect from 12 May 2018.

16. Mr Ngwube maintained that both the Zone A value and the existing allowance for ongoing works were appropriate, and that neither a reduction in Zone A, nor an increase in the allowance was justified.

Relevant Law

17. The term ‘rateable value’ is 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 various assumptions.

18. Each appeal hereditament had to be valued, having regard to factual matters as at the relevant material day, in accordance with paragraphs 2 (6) and (7) of Schedule 6 to the 1988 Act

> (6) Where the “Rateable Value” is determined with a view to making an alteration to a list which has been compiled (whether or not it is still in force) the matters mentioned in sub-paragraph (7) below shall be taken to be as they are assumed to be on the material day.
>
> (7) The matters are –

(a) matters affecting the physical state or physical enjoyment of the hereditament,
(b) the mode or category of occupation of the hereditament,
(c) the quantity of minerals or other substances in or extracted from the hereditament,
(cc)the quantity of refuse or waste material which is brought onto and permanently deposited on the hereditament,
(d) matters affecting the physical state of the locality in which the hereditament is situated or which, though not affecting the physical state of the locality, are nonetheless physically manifest there, and
(e) the use or occupation of other premises situated in the locality of the Hereditament.

19. 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).

20. In accordance with the Rating Lists (Valuation Date) (England) Order 2014 (SI 2014 No. 2841), the date of the hypothetical rent was 1 April 2015 (the AVD). This common date was used to ensure that every property was treated in a consistent way. When assessing the RV of any hereditament, rating law also requires that it must be assumed to be ‘vacant and to let’, and in the state set out in Schedule 6 of paragraph 2(7) of the Act, in relation to both its physical nature and mode or category of use.

21. For this appeal, factors affecting the physical state or enjoyment of the property and its locality were to be considered as at two material dates:

    a) 1 April 2017, when the subject property first entered the 2017 Rating List, which included an allowance for works, with the AVD being 1 April 2015; and

    b) 18 May 2018, when the allowance was removed following completion of works at the subject property.

22. Reference was made to the case of *Lotus and Delta v Culverwell (VO) & Leicester City Council* [1976] RA 141. This Lands Tribunal judgment provided authoritative guidance on the weight to be attached to rental and assessment evidence. The rent on the subject hereditament 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.

Discussion

23. The panel noted that the subject property was subject to an agreement involving the surrender of the first floor and its subsequent regrant. The first floor was surrendered on 26 June 2014, after which the annual rent was reduced to £164,000. Using the Valuation Officer’s floor areas with an In Terms of Zone A (ITZA) of 140.83m^2, Mr Griffin calculated an unadjusted Zone A rate of £1,164 per m². When applying the adjusted ITZA of 164.71m^2, this produced a Zone A value of £995.68 per m². In comparison, the current unadjusted Zone A value stands at £1,655 per m² and £1,415.03 per m² when adjusted which Mr Griffin considered excessive. He therefore proposed reducing the adjusted Zone A rate for the subject property to £1,000 per m². However, the panel observed that the rent derived from a lease dating back 70 years and that the 2014 transaction was not an open market deal.

Consequently, the panel placed only such weight as it deemed appropriate on the current rent details for the subject property.

24. The Valuation Scheme the subject property had been placed into was 433807, where values per m² ranged from £1,495 to £2,340/m^2, dependent on size, location and other physical factors.

25. The panel noted that the subject property had been valued on a retail basis with a Zone A unadjusted rate of £1,665 per m². The Valuation Officer had applied a 13% adjustment, which had reduced the Zone A value to £1,415 per m². This adjustment reflected certain disadvantages affecting the property, including its non-traditional frontage which limited inward visibility as well as its irregular layout and masking. The same adjustment had been applied both to the historic appeal and the current appeal.

26. To support his argument that the current Zone A value was excessive, Mr Griffin presented evidence from comparable properties on Charing Cross Road. The panel noted that Nos. 17 and 19, located south of the subject property, had adopted Zone A values of £900 per m² and £975 per m² respectively. In contrast, properties at Nos. 39 and 41, situated to the north, carried significantly higher Zone A values of £1,655 per m² and £2,300 per m². Mr Griffin contended that these northern properties occupied a much better retail location than the subject property.

27. To reinforce his position, Mr Griffin referred to units within the Cecil Court retail area, directly opposite the subject property, situated along a covered passage between Charing Cross Road and St Martin’s Lane. The panel noted that three of these units were assessed at £1,050 per m², while the remaining eleven carried Zone A values of £1,125 per m². However, Mr Ngwube highlighted that most units along the parade where the subject property was located were assessed at circa £1,600 per m². On this basis, Mr Ngwube concluded that there was insufficient evidence to justify a reduction in the adjusted Zone A value for the subject property.

28. The panel reviewed the detailed GOAD street maps that had been provided and noted that the units within Cecil Court retail area were located under cover on a precinct and were not immediately visible until entering the precinct. In contrast, the subject property occupied a more prominent position on Charing Cross Road, benefiting from higher passing footfall and greater visibility. On this basis, the panel concluded that the current adjusted Zone A value of £1,415.03 per m² applied to the subject property was reasonable and not excessive. Accordingly, the appeals challenging the Zone A rate for both the historic and live assessments were dismissed.

29. The panel then considered the 12.5% allowance applied within the 2017 Rating List, which had been carried over from the 2010 Rating List for ongoing works to the subject property. Mr Griffin referred the panel to a comparable property at Basement and Ground Floor, 26b–26c Albermarle Street, London W1S 4HY, which had been granted a 27.5% allowance for full scaffolding and internal works. After reviewing the photographs provided, the panel noted that the comparable property was completely enveloped in a matrix of scaffolding. The Valuation Officer had agreed this allowance for the period from 5 November 2012 to 15 December 2014, and the panel observed that the photograph submitted was taken on 13 March 2013.

30. Additional comparable properties cited were Part Basement, Part Ground Floor and Part First Floor at Tribute House, 128 Moorgate, London EC2M 6UR and Basement–Ground Floor at

366–368 Strand, London WC2R 0JF both of which had allowances of 20% for temporary disadvantage. The panel noted that the allowance for 128 Moorgate applied from 4 June 2018, while the end allowance for 366–368 Strand covered the period from 28 November 2011 to 17 December 2015. After reviewing the photographs provided, the panel observed that both properties were fully enveloped in scaffolding.

31. The panel also noted two further comparable properties: Basement–Ground Floor at 68 Great Portland Street, London W1W 7NG, and Units 1–2 at 74–78 Finsbury Pavement, London EC2A 1AT. Both had an end allowance of 15%, with photographs which showed the properties fully shrouded in scaffolding to facilitate cladding restoration works.

32. Mr Griffin argued that, based on the comparable properties cited, the allowance for scaffolding and building works should be increased to 15% for the period from 1 April 2017 to 12 May 2018 with regards to the subject property.

33. Conversely, Mr Ngwube maintained that the existing allowance of 12.5% should remain in place, citing insufficient evidence of worsening conditions between the effective date of 20 February 2017 and 1 April 2017. He explained that it was reasonable to expect the impact of works to diminish as they neared completion and therefore proposing an increase without clear evidence that conditions had deteriorated was not justified.

34. Mr Ngwube further argued that the comparable properties cited by Mr Griffin were located in different areas and that each case must be assessed on its own merits. He explained that when determining MCC allowances, decisions were made on a case-by-case basis using a “stand back and look” approach to ensure the allowance applied was reasonable.

35. The panel referred to a photograph provided of the subject property taken in March 2017. This photograph showed scaffolding due to redevelopment works to the front elevation of the subject property. The panel noted that the scaffolding, which had been erected at the comparable properties of 128 Moorgate, London and 74–78 Finsbury Pavement were similar to the scaffolding at the subject property. Both 128 Moorgate and Finsbury Pavement had end allowances agreed at 20% and 15% respectively. Therefore, the panel found that the end allowance of 15% as requested by Mr Griffin was reasonable. Therefore, the appeal in relation to the end allowance was allowed in part.

Determination

36. In light of the above findings and conclusions, the Tribunal determined a revised RV of £199,000 for the subject property, effective for the period of 1 April 2017 to 12 May 2018, incorporating a 15% temporary disadvantage allowance.

Description	Area m² / unit	£ per m² / unit	Value £
Basement floor unclassified area	56.50	82.67	4,671
Basement floor mess/staff room	75.40	82.75	6,239
Ground floor retail Zone A	120.40	1,415.03	233,070
Ground floor retail Zone B	73.20	707.51	51,750
Total	325.50		233,070
Additional details			

Air Conditioning	193.60	7.0	1,355
Adjustments made to the property			
Temporary disadvantage		-15%	-35,164
Valuation			199,261
Rateable Value (rounded down)			£199,000

Order

37. Accordingly, we order, in accordance with Regulation 38(4) and (9) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 as amended, the VO to amend the rating list within two weeks of the date of this order to show the RV of Bst & Grd Flr Pt Alhambra Hse 23-33, Charing Cross Road, London, WC2H 0AU as £199,000, effective for the period of 1 April 2017 to 18 May 2018.

Refund of appeals fee

38. The Appellant is also entitled to a full refund of the fees paid in accordance with regulation 13E(1)(a) of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009 (as amended).

Right of further appeal

39. 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.

40. 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 L Dubow, Senior Member (Presiding)
Mrs P Ahark, Member

1 December 2025

Ms R Muller
Clerk to the Tribunal
Date issued to the parties: 1 December 2025