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

Case No: CHG101146778

Sitting remotely using Microsoft Teams

Date: 23 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; shop and premises; rental evidence; comparable assessments; appeal dismissed

Before:
MS S BRYANT
MS LA OWUSU-AFRIYIE

Between:

NIGEL MOORCROFT — **Appellant**

- and -

LUCY FORMELA-OSBOURNE (VALUATION OFFICER) — **Respondent**

Regarding:
GREAT WESTERN CAMERAS, 4-5 MARKET STREET, SWINDON SN1 1RZ
(the "subject property")

The Appellant, the Appellant in person
Ms R Williams for the **Respondent**

Hearing date: 30 May 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed.

2. The assessment was confirmed at rateable value (RV) £27,750 with effect from 1 April 2023.

Introduction

3. This appeal has been brought in respect of Great Western Cameras, 4-5 Market Street, Swindon SN1 1RZ (the “subject property”), which was entered in the 2023 rating list as ‘shop and premises’ at RV £28,250, effective from 1 April 2023.

4. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appellant has made an appeal to the Valuation Tribunal for England (VTE). The appeal was made because the appellant did not agree with the Valuation Officer’s decision to reduce the RV to £27,750 in the 2023 rating list following the challenge. The appellant sought a reduction to RV £10,000 with effect from 1 April 2023.

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

Background

6. The base level of value adopted for the subject property was not agreed. The Valuation Officer has adopted £335/m^2 in terms of zone A (ITZA) in respect of the subject property, but the appellant sought a reduction to £114/m^2 ITZA.

7. The subject property is a double shop unit situated in a terrace of shops adjacent to the Brunel Shopping Centre in Swindon. It was constructed circa late 1800’s early 1900’s. It has an area of 164.83m^2.

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

Relevant Law

9. 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

10. The panel 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.

11. 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. The panel noted that in this appeal the subject property was reduced to £10,000 per annum in 2019. The panel was aware that this agreement was somewhat remote from the AVD and was not made between a landlord and tenant coming fresh to the scene. The panel noted the appellant's comments that the reduction in rent over the previous 30 years demonstrated the fall in the market in the locality of the subject property.

12. Mr Moorcroft argued that the reason for the lack of appeals in Market Street was that the majority of the properties are in receipt of small business rate relief. Furthermore, he questioned the validity of the forms of return submitted to the valuation officer for Market Street, in particular he believed that the rent on 12 Market Street included VAT and further stated that four of the properties were let on licence. Unfortunately, the panel noted that Mr Moorcroft had not provided any evidence to support his assertions or details of the properties let on licence.

13. Mr Moorcroft also submitted that there is little footfall on Market Street, because of this, and the decline in the town, the rent on the subject property had reduced from £30,000 to £10,000 since he had taken the property. The majority of the major retailers had also left the town. The panel was aware that this was the case with many towns across the country.

14. Mr Moorcroft referred to the shops on Morley Street which he had submitted in evidence, he argued that Morley Street benefits from a large car park and has a rate of £230/m^2. Mr Moorcroft could not understand why the rate on this street would differ from Market Street. Ms Williams set out the rental evidence for Morley Street which she argued supported the current rate for Morley Street and was not relevant to the assessments on Market Street, she also argued that Morley Street is further from the town centre.

15. Finally, Mr Moorcroft referred to recent settlements for shops in the main shopping centre which were receiving large reduction in RV, the panel did not consider these shops to be comparable to the subject property. Furthermore, settlements in the locality in other streets were based on rental evidence applicable to those streets, the panel found the rental evidence for Market Street to be the most useful evidence.

16. Ms Williams argued that the RV, as it stood, was not unreasonable, she referred to the lease provided by the appellant and noted that it had been agreed 20 months prior to the AVD. Ms

Williams had analysed the subject rent to £116/m^2 ITZA. She argued that this rent was not an open market rent and could not therefore be relied upon.

17. Ms Williams submitted that she had reviewed all of the rental evidence on market street, in particular she referred to: 12 Market Street, this was a lease renewal at open market value agreed on 1 October 2021, six months after the AVD, this rent was for £14,400 pa and it was analysed to £366.97/m^2; and 1 Market Street was a new letting agreed on 1 January 2022, nine months after the AVD, this rent was for £20,000 pa and it was analysed to £460.61/m^2.

18. The panel noted that the evidence showed that for the 2023 list, with the exception of the subject property which Ms Williams had analysed to £116/m^2, the other properties on Market street analysed to a range from £308.80/m^2 to £460.61/m^2 this evidence suggested to the panel that the rate for the subject property was out of kilter. The panel found that the evidence of properties on Market Street was the best evidence which supported a rate of £335/m^2 for the subject property and it attached weight accordingly.

19. The panel had regard to the full basket of evidence placed before it, it found the evidence and submissions put forward by Ms Williams to be the more compelling.

20. The panel 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 the panel was not persuaded by the evidence and arguments put forward by the appellant that a reduction in the assessment to RV £10,000 was warranted and it found the RV of £27,750 with effect from 1 April 2023 to be fair and reasonable.

Determination

21. In view of the above findings and conclusions, the panel dismissed the appeal.

Right of further appeal

22. 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.

23. 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 S Bryant, Senior Member (Presiding)

Ms LA Owusu-Afriyie, Senior Member

23 June 2025

Mrs H Beresford
Clerk to the Tribunal
Date issued to the parties: 23 June 2025