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

Case No: CHG101147419

Sitting remotely using Microsoft Teams

Date: 20 October 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — ; 2017 rating list; public house and premises; Fair Maintainable Trade; comparable properties; 2017 Rating List Approved Guide for the Valuation of Public Houses; appeal dismissed.

Before:
MISS N CLARKE
MS N AKHTER

Between:

J D WETHERSPOON'S — **Appellant**

- and -

KAREN GILES
(VALUATION OFFICER) — **Respondent**

Regarding:
THE FRANCIS NEWTON, 7 CLARKEHOUSE ROAD, SHEFFIELD S10 2LA
(the "appeal property")

Mr M Dolben of BNP Real Estates (Appellant's Representative)
Mr R Hunter (Respondent's Representative)

Hearing date: 24 September 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed.

2. The panel confirmed the rateable value (RV) of £85,000 with effect from 1 April 2017.

Introduction

3. The challenge proposal was submitted by the appellant’s representative and was received by the Valuation Officer (VO) on 28 July 2023. It had been made on the grounds that the RV shown in the rating list of £96,000 on 1 April 2017 was inaccurate. A revised RV of £51,000 was proposed with effect from 1 April 2017.

4. The VO issued a challenge case decision notice on 16 January 2025 reducing the RV to £85,000 with effect from 1 April 2017.

5. 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 appellant’s representative submitted an appeal to the Tribunal on 22 April 2025 seeking a revised RV of £70,000 with effect from 1 April 2017. He argued that the VO had not given sufficient consideration to primary comparable properties.

6. Mr Dolben appeared on behalf of the appellant as both Advocate and expert witness and declared that he was not employed on a contingency or performance related fee. In view of the Upper Tribunal’s judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), Mr Dolben understood and accepted that his duty is to the Tribunal in giving his evidence and he will comply with this as well as the requirements of his professional body regardless of whether or not the evidence supports his client’s case.

7. The panel 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 Procedure regulations 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. The panel hearing the evidence considered the “expert” evidence and assessed what weight, if any, it should give to it in the context of the matters in issue before it.

9. Mr Hunter was representing the VO in the dual role of advocate and expert witness.

10. The property was originally constructed in 1820’s as a domestic grand house before being converted into a public house by JD Wetherspoon in February 2010. The property was held on a long lease at £334 per annum. It was located within the Broomall area of Sheffield in a busy, built up mixed us area. Royal Hallamshire Hospital was situated adjacent to the appeal property and the Botanical Gardens was within walking distance. The locality featured a strong student population, with Sheffield Hallam University Collegiate campus situated 0.3 miles away and the University of Sheffield 0.4 miles away, both lying within a ten minute walking distance to the appeal property. The appeal property also benefitted from a larger than average beer garden and a designated car park.

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

Relevant Law

12. The basis of valuation for non-domestic rating is set out in schedule 6 to the Local Government Finance Act 1988, as amended by section 1(2) of the Rating (Valuation) Act 1999. Paragraph 2(1) of schedule 6 provides that the rateable value of a non-domestic hereditament "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 three stated 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 date of the hypothetical rent is 1 April 2015, the antecedent valuation date (AVD) for the 2017 rating List. Matters affecting the physical state or enjoyment of the property or the locality were to be taken as at 1 April 2017 (the material day) for this appeal.

14. As the appeal property had been valued as a public house and premises, its valuation was based on Fair Maintainable Trade (FMT) and the application of the 2017 approved guide for the Valuation of Public Houses (the approved guide), agreed between the Pubs Rating Forum and the Valuation Office Agency.

Discussion

15. The issue in dispute was the adopted FMT for the dry trade only. The VO had adopted a dry FMT of £500,000 whereas the appellant's representative sought for a reduction to £325,000. It was accepted that the actual dry trade in July 2015 of £684,190 was out of line with comparable public houses in the locality. The reduction in the adopted FMT was to reflect overtrading as it was essential that the rating assessment reflected the value of the property and not the occupier.

16. In support of a reduced FMT, the appellant's representative referred to other public houses in the locality he considered to be comparable.

    a) The Bloomery was slightly smaller than the appeal property and comprised of a modern purpose built public house which was popular with students. It did not have a car park but was located well within the Broomhill district centre. The current RV of £40,000 showed a fall from the 2010 rating list of 42%. The RV was based on wet trade of £345,000 and a dry trade of £85,000. The appellant's representative considered The Bloomery to be the best comparable to the appeal property.

b) Doctor's Orders was located near the University Drama Department with a bar area at the front of the pub leading to a raised seating area at the rear. There were picnic benches outside the front and back. The RV of £15,500 showed a fall from the 2010 rating list of 9% based on wet trade of £185,000 and dry £35,000.

c) The Harley was a pub/club with a late licence until 4am on Friday and Saturday. It was slightly larger than the appeal property and had been valued on a different category. The RV of £61,500 was based on wet trade of £425,000, dry trade of £100,000 and accommodation trade of £150,000.

17. In response the VO argued that the actual trade was the starting point in arriving at the FMT as supported by the case of Watney Mann Ltd v Langley (VO) [QB 1963]. The VO accepted that JD Wetherspoon generally trade at a level which was over and above what could be achieved by the reasonably efficient operate (REO) and that an adjustment was required to reflect this. However, he did not agree with a 52% reduction from the actual dry trade sought by the appellant's representative.

18. The VO argued that the appeal property was predominantly dry led, having a popular local reputation. It attracts a strong mixture of students and private / hospital clientele, particularly during lunch times, seven days a week which is why it generated a higher level of dry trade. He argued that the location of the appeal property was far superior to the comparable properties provided by the appellant's representative. Plus, the additional benefit of the designated car park would likely attract further trade, mainly to due to the ease of access compared to other similar pubs in the area where parking was more restricted. There was also the larger beer garden which in summer would also pull in further customers compared to the comparable properties.

19. The VO also argued that no evidence had been presented to confirm that the dry trade had been affected between the 2010 and 2017 rating list. The actual trade achieved had consistently year on year increased. In the 2010 rating list the dry trade achieved was £600,000 and the adopted FMT was £455,000 reflecting a reduction of 24% allowance for overtrading which had been agreed by the same agent. The actual trade at the AVD was higher than in the 2010 rating therefore, the VO had adopted a 28% reduction to reflect over trading in the 2017 rating list.

20. Having considered all the evidence presented the panel concluded that the allowance of 28% adopted by the VO to reflect overtrading was fair and the RV was not excessive. The appellant's representative was seeking a reduction on the adopted dry FMT of 52% to £325,000. However, this was less than the adopted FMT in the 2010 rating list despite achieving higher actual trade at the AVD. The panel also noted that the 2010 rating list was reduced following a proposal by the same agent and 24% had been agreed. Therefore, the VO's adopted percentage of 28% seemed reasonable under the 2017 rating list.

21. The comparable properties provided by the appellant's representative were more wet trade led and the dry trade was de-minus in comparison. The panel held the appeal property to be in a far superior location which was evidenced by the amount of dry trade.

Determination

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

Right of further appeal

23. 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.

24. 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/.

Miss N Clarke, Senior Member (Presiding)

Ms N Akhter, Member

20 October 2025

Miss K Hendry
Clerk to the Tribunal
Date issued to the parties: 20 October 2025