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

Case No: CHG101163777

Sitting remotely using Microsoft Teams

Date: 4 March 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Workshop and Premises — Hard Surfaced land — Allowance for Fragmentation — Appeal dismissed

Before:
MR A IQBAL
MR S MULDOON

Between:

JOHN MCGUIRK **Appellant**

- and -

KAREN GILES
(VALUATION OFFICER) **Respondent**

Regarding:
TELEPHONE ENGINEERING CENTRE, RODNEY WAY, CHELMSFORD CM1 3BY
(the "subject property")

Mr Matthew Hawkins for **Colliers** on behalf of the Appellant
Mrs Nnennaya Awoyokun for the **Respondent**

Hearing date: 27 February 2026

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal finds that there should not be any adjustment to the hard surfaced land and that there should not be any allowance for fragmentation.

STATEMENT OF REASONS

Introduction

3. Mr Hawkins on behalf of the appellant company had made a challenge against the accuracy of the compiled list assessment in the 2017 Rating List, by way of a proposal that he served on the Valuation Officer (VO) on 6 December 2023. After considering the proposal and evidence submitted during the challenge period, the VO decided that the proposal was not well founded. A decision notice to this effect was served on the appellant on 5 June 2025. His representatives then appealed the VO's decision to the Tribunal on 1 October 2025, on the grounds that the current valuation for the hereditament was not reasonable, under regulation 13A of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009.

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

Background

5. The subject property was a Workshop and Premises built in 1986. The assessment included two detached buildings with surfaced, fenced land of 1,920.9m^2 in between these buildings and to two sides of the main workshop.

6. Mr Hawkins appeared on behalf of the appellant as advocate and expert witness. The clerk asked if there was a success related fee involved and if so whether its existence was compatible with his obligations to the tribunal as an expert. This question was raised in view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC).

7. Mr Hawkins declared that he was instructed under a success fee arrangement in his role as expert witness. Mr Hawkins confirmed 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.

8. 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).

9. Mrs Awoyokun confirmed that she was representing the VO as an advocate and expert witness.

10. The issues in dispute before the panel was the amount of Surfaced, Fenced land. He suggested that it should be reduced from 1,920.9m^2 to 588m^2. He also sought a 10% allowance for fragmentation.

11. However, Mrs Awoyokun defended the VO's assessment of £224,000 RV.

12. The evidence bundle before the panel comprised all of the evidence disclosed and exchanged during challenge which included the parties skeleton arguments, their comparable assessments, and ariel photographs of the subject property and Mr Kawkins' comparable assessments. Mr Hawkins had also provided some additional evidence which was not available at the time of the appellant's challenge and included a decision of this Tribunal *Jan De Rijk Transport v VO* appeal number CHG101125668 dated 29 October 2025.

Relevant Law

13. 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; and*
>
> *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".*

14. For 2017 rating list appeals the Antecedent Valuation Date (AVD) is 1 April 2015. The material date for this appeal is 1 April 2017.

Discussion

15. Mr Hawkins submitted that the two workshops were separated by a loading area, hard surfaced land which was also on a slope and car parking. He argued that the two detached workshops would be seen as a disadvantage by a potential tenant, as it would result in additional costs due to the additional equipment and staff that would be needed to move the goods between the two workshops.

16. To support his argument, he provided a number of properties where an allowance for fragmentation had been allowed, such as Telephone Engineering Centre, Bennet Road, Reading and 277 Lincoln Road, Enfield which were owned by the appellant company and

Units 1-2 Langley Connect, the VO had allowed a 10% end allowance on the basis that the assessments comprised of two detached workshops, separated by land.

17. However, the panel applied most weight to the VO's contentions. Mrs Awoyokun contended that a fragmentation allowance is only granted where there is rental evidence which supports such an allowance and that one cannot compare the subject property to the two assessments in Reading or Enfield as they were different locations to the subject property and would be placed in different schemes.

18. She also contended that within the VO scheme the subject property has been placed in (359432), there was no evidence that a fragmentation allowance was reflected in the rents. Within the scheme only two assessments had been granted an allowance for fragmentation and this was because the two sites were cramped. The allowances for these two properties were 2.5 and 5%, rather than the 10% as sought by Mr Hawkins, although it would be down to the panel to decide the level of allowance if it was minded to allow the appeal. The VO's challenge response did state that within the scheme there were many industrial properties that have detached or merged units, although neither party had visually checked this within the locality.

19. Within the VO's challenge document Mrs Awoyokun had referred to three properties within the scheme that were fragmented: 6 Hanbury Road; Lynx Express, Westway and Unit 1-3, Block 3, Farrow Road, which were also valued at the same main space price as the subject property (£45/m^2) and no fragmentation allowance was granted as it was already reflected in the main space price. The panel therefore concluded that as the main space price reflected the fragmentation, by granting a fragmentation allowance it would in effect be double counting a fragmentation allowance and concluded that no allowance should be granted.

20. Turning to the hard surfaced land, Mr Hawkins had identified an area between the two workshops, between car parking and the lorry turning area that was overage. It was separated from the rest of the surfaced land by fencing on one side and a step down on the other side. He had suggested that the hard surfaced land be reduced to an area of 588m^2 to reflect this excess land. He also contended that the VO had not explained which areas they had attributed to car parking, circulation and access routes.

21. Within the decision notice, Mrs Awoyokun had provided the VO's calculation of the separation of the surfaced land. She had set out the following:

Description	Area (m^2)
Land not occupied by buildings	11,368.84
Less Car parking at 20m^2 per car and 207 spaces	4,140.00
Land for circulation/access	5,372.62
Surfaced land	1,856.20

22. This table demonstrated to the panel that 48% of the land was used for circulation, 36% for car parking and just over 16% was surfaced land which Mrs Awoyokun contended was a reasonable amount and was not overage.

23. The VO's decision notice had also set out reasons for the adjustments being made to the land in respect of Colliers comparable properties, such as the land being reinstated following an inspection, restricted traffic, incorrect survey data and allowing for circulation or access. One of them was as a result of a decision of this tribunal although the panel was mindful that

the surfaced land was only 16% of the land (excluding the land taken up with the workshops).

24. There was no argument over the number of car parking spaces or the amount of land that was used by the VO to reflect circulation and/or access, although Mr Hawkins did argue on a number of occasions that the VO had not shown what part of the land was used for car parking and circulation. As the surfaced land was only 16% of the total land (excluding the buildings), the panel did not consider this to be excessive and dismissed this aspect of the appeal.

Conclusion

25. In view of the above findings and conclusions, the Tribunal is satisfied that there should not be any allowance for fragmentation or reduction in the hard surfaced land due to overage. The panel therefore dismissed the appeal.

Right of further appeal

26. 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.

27. 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 A Iqbal, Senior Member (Chair)
Mr S Muldoon, Senior Member
4 March 2026

Mr Richard Gath IRRV (Hons)
Clerk to the Tribunal
Date issued to the parties: 4 March 2026