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

Case No: CHG101232157

Sitting remotely using Microsoft Teams

Date: 4 March 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Shop and premises — Zone A Rate —Appeal allowed in part

Before:
MR A HETHERTON
MS LA OWUSU-AFRIYIE
MRS AE FIELDER

Between:

ARANET LTD **Appellant**

- and -

ANDREW MOULAND (VALUATION OFFICER) **Respondent**

Regarding:
10 WOOLGATE, MARKET SQUARE, WITNEY, OX28 6AP
(the "subject property")

Mr H Seabrook for the Appellant
Mrs P Rowntree for the Respondent

Hearing date: 2 February 2026

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed-in-part.

2. The Tribunal determined a rateable value (RV) of £32,500 based on a Zone A rate of £560 per square meter (psm) with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. This was a 2023 rating list appeal. The subject property had been entered in the 2023 rating list as "Shop and Premises" at an RV of £44,750 with effect from 1 April 2023. This was based on a Zone A rate of £775 psm.

4. The challenge proposal was submitted by Ryan Property Tax Services UK Limited on behalf of Aranet Ltd and was received by the Valuation Officer (VO) on 18 June 2024. It had been made on the grounds that the RV shown in the 2023 rating list was wrong and proposed a revised RV of £24,750 based on a Zone A rate of £425 psm.

5. The VO issued a challenge case decision notice. The VO's decision was to reduce the RV of the subject property to £37,000 based on a Zone A rate of £640 psm.

6. Following the exchange of evidence and discussions throughout the challenge period, Mr Seabrook revised his proposed valuation to £29,000 RV based on a Zone A rate of £500 psm.

7. Mr Seabrook 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), Mr Seabrook declared that he was instructed under a conditional fee arrangement.

8. Mr Seabrook understood and accepted that his duty was to the Tribunal in giving his evidence and he would comply with this regardless of whether or not the evidence supported his client's case.

9. The Tribunal 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. Mrs Rowntree appeared as both 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 a shop located in the market town of Witney in Oxfordshire. It was built in 1987 and measured 165.44m^2. The property was located in the Woolgate Centre which was the main shopping area in the centre of Witney.

Relevant Law

The Local Government Finance Act 1988

14. Schedule 6 of the Act provides that:

    2(1)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.

15. In respect of an appeal against an entry in the 2023 rating list, the rental levels are to be taken as those passing at the antecedent valuation date (AVD) of 1 April 2021.

16. The material day (the date by which physical factors have to be taken into account) was provided by the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 (SI 1992 No. 556) as amended. In respect of the subject appeal, the material day is 1 April 2023.

Discussion

17. The leading judgment of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141, set out six propositions to be followed when considering the weighting of evidence:

    1. Where the hereditament which is the subject of consideration is actually let that rent should be taken as the starting point.
    2. The more closely the circumstances under which the rent agreed both as to time, subject matter and conditions relate to the statutory requirements contained in the definition of gross value in s.19(6) of the General Rate Act 1967 the more weight should be attached to it.
    3. Where rents of similar properties are available, they too are to be properly looked at through the eye of the valuer in order to confirm or otherwise the level of value indicated by the actual rent of the subject property.
    4. Assessments of other comparable properties are relevant. When a valuation list is prepared these assessments are to be taken as indicating comparative values estimated by the

Valuation Officer. In subsequent proceedings on that list therefore they can properly be referred to as giving an indication of that opinion.

5. In light of all the evidence an opinion can then be formed of the differing types of evidence depending on the one hand the nature of the actual rent and on the other hand, on the degree of comparability found in other properties.
6. In those cases where there are no rents available of comparable properties a review of other assessments may be helpful but, in such circumstances, it would be clearly more difficult to reject the evidence of the actual rent.

18. There was a passing rent on the subject property of £57,350 per annum which was a lease renewal with effect from 1 March 2020. The rent analysed to £991.86 psm. Both parties agreed that the subject rent was out of kilter with other rents in the area. Mr Seabrook attached no weight to the subject rent and Mrs Rowntree gave it some weight, however, did not consider it the best evidence. The panel considered the rent compared to the basket of evidence and placed little weight on it. This was due to it being out of kilter with the basket of evidence and further from the AVD than the other rental evidence provided.

19. The panel heard from the parties, and noted from the maps within the evidence bundles, that shops in Witney were valued higher at the end of the Woolgate Centre which was close to the flagship store and carpark. Those shops located closer to Market Square, the road running through the town, were valued lower. The panel noted that the subject property appeared to be located midway between the two sites.

20. Mr Seabrook referred to a recent agreement on 9a Market Square which was reduced from £625 psm to £460 psm. Mr Seabrook had based his revised valuation of the subject property at £500 psm on this agreement. The panel noted that 9a Market Square

21. Five properties were provided as comparable to the subject property in addition to the agreement at 9a Market Square. 1a and 1b Woolgate were both in the rating list at £775 psm, both of these properties were located furthest from Market Square and close to the flagship stores and parking building. To access any of the other shops, including the subject property, from the parking building which offered free parking, footfall was directly past 1a and 1b Woolgate.

22. 12 Woolgate was directly adjacent to the subject property on the Market Square side. It was similar in size and specification to the subject property and had a passing rent of £24,750 per annum. This was a lease renewal effective from 1 September 2020. Both parties agreed that the rent analysed to £405.03 psm.

23. 3-5 Woolgate was larger than the subject property at 635.46m^2 and had a passing rent of £140,000 per annum with effect from 6 December 2021 and was a new ten-year lease. The parties agreed that this rent analysed to £563.57 psm and it was in the rating list at £775 psm. This property was in close proximity to the subject property on the Woolgate Centre side.

24. The panel found the rents of 12 and 3-5 Woolgate to be the best evidence due to the locations of the properties, the proximity of the rents to the AVD and they were both open market rents. In addition, 12 was directly next to the subject property and a very similar size.

25. The panel considered all of the evidence before it, and the decreasing values as the properties were closer to Market Square. The subject property was located midway between the Woolgate Centre and Market Square and there was a myriad of adjustments required to the comparable properties to make them truly comparable with the subject property.

26. It was the panel's opinion that the current RV of the subject property was unreasonable, particularly based on the recent agreement at 9a Market Place. The panel acknowledge that 9a Market Place was the closest property to Market Square and therefore the subject property was in a better location and should be valued higher.

27. The panel noted that the analyses of the rental evidence ranged between £398.74 psm and £624.02 psm, excluding the subject rent. However, four were in the rating list at £775 psm. The panel did not find that the evidence supported the Zone A rate of £640 psm for the subject property.

28. Considering its location within the shopping area, the agreed rental analyses of 12 and 3-5 Woolgate, and the agreement on 9a Market Square, it was the panel's opinion that the subject property should be valued at a Zone A rate of £560 psm

Conclusion

29. In view of the above findings and conclusions, The Tribunal Panel is satisfied that the RV of the subject property was unreasonable and determined an RV of £32,500 with effect from 1 April 2023 based on a Zone A rate of £560 psm. Therefore, the appeal was allowed in part.

Floor	**Description**	**Area (m^2)**	**£/m^2**	**Value (£)**
Ground	Retail Zone A	35.80	560.00	20,048
Ground	Retail Zone B	27.05	280.00	7,574
Ground	Retail Zone C	13.59	140.00	1,903
First	Internal Storage	71.70	28.00	2,008
First	Office	8.60	35.00	301
First	Office	8.70	35.00	305
First	Staff Toilets	N/A	0.00	0
			Sub-total	**32,139**
	Air Conditioning System	59.62	7.00	417
			Total	**32,556**

30. The Tribunal Panel orders pursuant to Regulation 38 of the Valuation Tribunal for England (Council Tax and Rating Appeals) (England) Regulations 2009 [SI 2009 No 2269] that the respondent shall alter the 2023 rating list in respect of 10 Woolgate, Market Square, Witney OX28 6AP within two weeks.

Right of further appeal

31. 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.

32. 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 Hetherton, Senior Member (Chair)
Ms LA Owusu-Afriyie, Senior Member
Mrs AE Fielder, Senior Member
4 March 2026

Mrs S Hodgson
Clerk to the Tribunal
Date issued to the parties: 4 March 2026