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

Case No: CHG101249483

Sitting remotely using
Microsoft Teams on
4 June 2026

Date: 25 June 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Accuracy of the 2017 compiled list assessment; Public House and Premises; Fair Maintainable Trade; Over Trading: Appeal dismissed.

Before:

MRS G WILLIAMS
MRS L HAYHURST

Between:

JD WETHERSPOON PLC **Appellant**

- and -

LUCY FORMELA-OSBORNE
(VALUATION OFFICER) **Respondent**

Regarding:

PERKIN WARBECK, 22-23 EAST STREET, TAUNTON, TA1 3LP
(the “appeal property”)

Ms T Steeden of Cluttons LLP (Appellant’s Representative)
Mr M Pearson (Respondent’s Representative)

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The panel confirmed the Rateable Value (RV) of £130,000 with effect from 1 April 2017.

STATEMENT OF REASONS

Introduction

3. This was a 2017 Rating List appeal, and the rateable value (RV) of the appeal hereditament was £130,000 with effect from 1 April 2017. A challenge was submitted on 16 July 2024 by BNP Paribas Real Estate on behalf of the appellant. The challenge sought a reduced RV of £96,000.

4. The challenge agreed that the property is a public house to be valued in line with the Approved Guide. The appellant disputed the RV on the grounds the adopted Fair Maintainable Trade (FMT) was considered to be excessive. The actual trade produces a value excessive at the stand back and look stage.

5. On 1 September 2025, BNP Paribas were dis-instructed by the appellant and Cluttons LLP were instructed. The appellant's appointed Cluttons LLP who sought a revised reduced RV of £85,000.

6. The VO did not agree to reduce the assessment and issued a Challenge Case Decision Notice on 17 November 2025. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appeal to this Tribunal on 22 January 2026.

7. Ms Steeden appeared on behalf of the appellant as both advocate and expert witness and declared that she was employed on a fixed fee basis. In view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), Ms Steeden understood and accepted that her duty is to the Tribunal in giving her evidence and she will comply with this as well as the requirements of her professional body regardless of whether or not the evidence supports her 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. 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.

10. Mr Pearson was representing the VO in the dual role of advocate and expert witness.

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

Background

12. The appeal property is a public house located in the centre of Taunton. It fronts the north side of East Street adjacent to Primark and is nearly opposite the entrance to County Walk shopping centre. There was also rear access from Magdalene Street. It's a large property which was converted into a public house from its previous retail use. The pub extends across the whole ground floor, basement and part of the upper floors but trade is primarily from the ground floor. The remainder of the building is occupied as a snooker club / sports bar.

13. The challenge details that the appeal property was refurbished in July 2017 with an additional external area created on the lower level and deck area on the upper level with expanded kitchen and removal of the third bar servery. The customer area was reduced to 7,186sq.ft but external area increased from 240sq.ft to 1,687sq.ft. This was confirmed by an article in the Somerset County Gazette dated 5 October 2024 which stated that it had undergone a much needed £1.4 million refit. It now had one of the longest bars in the country and other work included redecoration, new carpets, dining booths and banquet seating installed, new lighting, artwork and feature fireplace.

14. As the appeal property is being valued as of 1 April 2017, and the refurbishment works occurred after, the VO confirmed that the assessment had not been amended as a result of the refurbishment works.

15. The appeal property was considered to be a "provincial" location meaning that wet sales fell within Category 1 of the 2017 Valuation of Public Houses Approved Guide.

Discussion

16. The panel was of the opinion that the correct approach for valuing the appeal property should be with reference to and in line with the nationally Approved Guide for the Valuation of Public Houses. The Approved Guide first requires the FMT of the property, in the hands of a Reasonably Efficient Operator (REO) to be assumed, reflecting the economy at 01 April 2015 but the physical property and its location as at the material day (01 April 2017 for the start of the List). The actual trade figures of the property may form the starting point for the assessment of FMT but these need to be considered with the actions of the REO in mind. The FMT is split between receipts for drinks, food, accommodation and other sales.

17. In this appeal the actual trade figures for the appeal property were provided for the years July 2012 to 2016. The VO confirmed that the trade information is in line with what was provided on the Forms of Return. The actual trade for the year to July 2015, the closest to AVD was £1,188,348 on wet sales and £981,443 dry.

18. It is accepted that the current occupier of the property, JD Wetherspoon, frequently over trades from their premises. They have a unique business model based on low pricing and high volumes. Rating assessments are regularly agreed with FMTs that are significantly below the actual trade on the property.

19. As a result, the current valuation adopts FMTs of £750,000 wet at 12.5% = £93,750 and £400,000 dry at 9.05% = £36,200. This equates to a total of £129,950, a RV of £130,000.

20. The challenge contends FMTs of £500,000 wet at 12% = £60,000 and £300,000 dry at 8.30% = £24,900. This equates to a total of £84,900, a revised RV of £85,000.

21. The appellant's representative argued that the appeal property relied heavily on daytime sales from shoppers with heavy high retail footfall on East Street. She stated that it always had been accepted that the appeal property was remote from the prime and late-night Taunton Circuit. Since the AVD there had been a fall in footfall on East Street due to the changes in the Orchard Centre which was extended and refurbished. It consisted of 140,000 sq.ft of retail space and was situated between the High Street and East Street. She argued that this could be evidenced by the falls in the adopted zone A rates on adjacent retail units. 15 East Street had fallen by 38% from £1100 Zone A rate to £675 Zone A. This was further supported by the downturn of trade as in 2010/11 the trade was £2,738,961.57 compared to 2014/15 of £2,272,833.95. She considered that the appeal property was no longer in a prime retail location but in a secondary retail location. She had also referred the other Wetherspoons pub, The Coal Orchard which was also in a better location which was supported by the trade that had increased.

22. The appellant's representative had based her revised valuation in line with the Pitcher & Piano which she considered to be a key comparable. She argued that the late-night circuit quickly changed into a more daytime focused circuit focusing on developing the outside space and offering more daytime offers. She also highlighted that the access to Bristol had improved since the last list which would have an impact on late night trade impacting the whole circuit within Taunton.

23. In response the VO argued that the FMT had been adjusted significantly to allow for overtrading. An adjustment of 35% on the actual wet trading performance had been adopted and a 58% adjustment for dry trade. If the appellant's FMT was adopted it would produce an RV which was lower than in the 2010 list. None of the comparable properties fell in value in the 2017 list. The appeal property is significantly larger than any pub in Taunton. It was in a prime spot with the Pitcher & Piano only a five-minute walk away. The Pitcher & Piano had been assessed based on a FMT of £600,000 wet and £300,000 dry. The VO argued that it was reasonable to expect the appeal property to achieve a higher drink and food sales given its size, layout and its High Street visibility and position.

24. In order to see if the revised FMTs were reasonable the panel considered the comparable properties of other public houses in the locality. The panel agreed that the key comparable was the Pitcher & Piano. The appeal property was much larger although shopping habits in smaller shops situated on East Street may have changed, the appeal property was considered to still be in a good location, situated opposite Primark and the entrance to County Walk shopping centre. Although reductions for zone A shops had fallen, this did not support a fall in footfall for the appeal property. Furthermore, the key comparable, Pitcher & Pino was situated a short walking distance away. The panel held it reasonable that the appeal property's FMT should be higher than the Pitcher & Pianos FMT at £600,000 wet and £300,000 dry

25. The panel held that the adopted FMT and percentages adopted by the VO were reasonable having regard to the actual FMT as the starting point and then considered it with the comparable properties. The panel were satisfied that the VO had sufficiently valued the appeal property having regard to a REO.

Conclusion

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

Right of further appeal

27. 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.

28. 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/.

Mrs G Williams, Senior Member (Chair)
Mrs L Hayhurst, Member
1 July 2026

Miss K Hendry
Clerk to the Tribunal
Date issued to the parties: 1 July 2026