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

Case No: CHG101348525

Sitting remotely using
Microsoft Teams on
23 April 2026

Date: 15 April 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — 2023 rating list appeal; Kiosk and premises; Compiled List Entry; Price per square metre; assessment of comparable properties; Lotus and Delta v Culverwell (VO) & Leicester City Council [1976] RA 141; Appeal dismissed.

Before:

MR M MIAH
MRS C BRIDGLAND

Between:

SWEET TOUCH LTD — **Appellant**

- and -

NICOLA JOHNSON
(VALUATION OFFICER) — **Respondent**

Regarding:

KIOSK (BTW OXFORD CIRCUS STN EAST EXIT & ARGYLL STREET), OXFORD STREET, LONDON W1D 2LP
(the “appeal property”)

Mr A Bacon of JMA Chartered Surveyors (Appellant’s Representative)
Mr M Staples (Respondent’s Representative)

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal finds that the current assessment of £45,500 Rateable Value (RV), with effect from 1 April 2023 was reasonable.

STATEMENT OF REASONS

Introduction

3. The challenge proposal was submitted by the appellant's representative and was received by the Valuation Officer (VO) on 28 April 2025. It had been made on the grounds that the RV shown in the rating list of £57,000 on 1 April 2023 was inaccurate. A revised RV of £15,000 was proposed with effect from 1 April 2023.

4. The VO issued a decision notice on 30 July 2025 reducing the RV from £57,000 to £45,500 with effect from 1 April 2023. The list was updated on 31 July 2025.

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 appeal was lodged by the appellant's representative on behalf of the appellant and received by the Tribunal on 29 November 2025.

6. Mr Bacon appeared on behalf of the appellant as both advocate and expert witness and declared that he was employed on a contingency fee basis. In view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), Mr Bacon 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 Staples was representing the VO as an advocate and expert witness.

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

Background

11. The appeal property was constructed pre-1990's and was a kiosk with an area in terms of main space (ITMS) of 5.07m^2. It fronted Oxford Street situated near the intersection of Oxford Street and Argyll Street. It was adjacent to the "exit" only Oxford Circus Underground Station.

Relevant Law

12. The issue before the panel was to determine the correct valuation for the subject property with effect from 1 April 2023. 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.

13. 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 1992/556) as amended. In respect of the subject appeal, the material day is 1 April 2023.

14. The subject property must be valued for the purpose of non-domestic rating on the basis of the rent at which it might reasonably be expected to let from year to year on a number of assumptions (see paragraph 2(1) of Schedule 6 of the Local Government Finance Act 1988).

15. The panel was aware of the Lands Tribunal judgment of *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* [1976] RA 141 cited by the parties. This case had established six propositions, which gave clear guidance to be followed, namely:

    (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 1976 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 value of the appeal hereditament, the weight to be attributed to the differing types of evidence depending on the one hand on 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.'

Discussion

16. Mr Bacon was seeking a reduction in the base price to £3000/m^2. It was originally £11,250/m^2 but was reduced by the VO to £9000/m^2 based on the appeal property rent which was holding over from 2016 and had been devalued by the VO to £9,368.84/m^2.

17. In seeking a reduction, Mr Bacon relied upon rental evidence on two comparable properties. The first being Former Dr Martens (Incl Bst & 1st Flr 30 Market Place) Grd Flr 184-188, Oxford Street. The VO stated that the rental evidence was from 2023 and therefore too far removed from the AVD. Also, it was a much larger standard shop on the main retail high street and not a kiosk at an underground exit. He also argued that the rent at £2859/m^2 was below the tone for the assessment at £4550/m^2 suggesting it was below the general market level.

18. The second property relied upon was Angus Streakhouse (Adj The Argyll Public Hse Argyll St) 242 Oxford Street. The VO argued that this property was not comparable as it was a different class of use as a restaurant. He also stated that the rent was not reliable as it had a turnover top up and would therefore apply little weight to this property.

19. Mr Bacon had also referred to Gnd Flr Kiosk at Trocadero. The VO argued that this property was in a significantly inferior location with the premises itself being tucked away with limited visibility. Also, this had a higher value of £4,874.35/m^2 which was higher than the appellant's representative was seeking for the appeal property.

20. He also argued that the opening of the Elizabeth line in May 2022 together with the Bond Street station opening on 24 October 2022 had led to a significant decline in passing footfall which impacted the appeal property.

21. The VO argued that the best comparable was Gnd Flr 241-243 Oxford Street which had been devalued to £6,102.94/m^2 based on an open market new letting from 1 March 2021. This property was much smaller and therefore considered that the appeal property should have a higher value.

22. The VO also argued that no allowance should be applied for the physical impact of the Elizabeth line as the rental evidence did not support it.

23. Having regard to the evidence presented, the panel were not persuaded that the current RV reduced by the VO following the challenge to be excessive. Given that the Gnd Flr Kiosk at Trocadero was in an inferior location, but had been valued at £4,874.35/m^2, it did not support a reduction to £3000/m^2 as sought by the appellants representative. The panel placed greatest weight on Gnd Flr 241-243 Oxford Street as it was a new letting closest to the AVD. As the appeal property was larger the panel were not persuaded that the adopted rate of £9000/m^2 was excessive.

24. Furthermore, the panel held that there was insufficient evidence to reflect that the opening of the Elizabeth line had a detrimental effect on the appeal property.

25. Therefore, the panel accepted that £9000/m^2 was reasonable and dismissed the appeal.

Conclusion

26. In view of the above findings, the panel held that the unadjusted rate was not excessive and the appeal was dismissed.

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/.

Mr M Miah, Senior Member (Chair)
Mrs C Bridgland, Member
18 May 2026

Miss K Hendry
Clerk to the Tribunal
Date issued to the parties: 18 May 2026