Issue 61

August 2021

Valuation Tribunal Service

Valuation in Practice

News in brief

New Chair of the VTS appointed

The Valuation Tribunal Service is delighted to announce that following the retirement of Robin Evans on 31 March 2021, the Minister for Regional Growth and Local Government, Luke Hall MP, has appointed Harry Rich as the new Chair of the Valuation Tribunal Service Board for a three year term starting on 10 May 2021. We welcome Harry Rich in his new role and thank Robin Evans for his wise counsel and direction during his term of office and wish him a well-earned retirement.

Further information about Harry Rich can be found here.

New legislation regarding remote hearings

The **VTE (Council Tax and Rating appeals) (Procedure) (Amendment) Regulations 2021** came into force on 9 June 2021, which now defines '*hearing*' as "*an oral hearing and includes in whole or in part by video link, telephone or other means of instantaneous two-way electronic communication*".

This reflects the effectiveness of online hearings and removes the need for parties to travel to hearing venues. Our aim continues to progress hearings using this on-line platform.

Additional Restrictions Grant (ARG)

The Additional Restrictions Grant (ARG) provides local councils with grant funding to support businesses that are severely impacted by restrictions, and that may or may not be in the business rates system.

Local councils can determine which businesses to support and determine the amount of funding provided from the ARG scheme.

Click here to find out more.

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COVID-19 (coronavirus) update

As we start to move towards post COVID working, for efficiency, we continue to encourage all communication with us by email.

Business Rates Revaluations Consultation Launched

Government consultation was launched on 29 June 2021 regarding more frequent non-domestic rating revaluations designed to make the system more streamlined and fair by introducing revaluations every three years instead of five.

Further information can be found here.

Kickstart Scheme grant

This Scheme provides funding to create new jobs for 16 to 24 year olds on Universal Credit who are at risk of long-term unemployment. Employers of all sizes can apply for funding which covers:

- 100% of the National Minimum Wage (or the National Living Wage depending on the age of the participant) for 25 hours per week for a total of six months
- associated employer National Insurance contributions
- minimum automatic enrolment pension contributions.

Further information can be found here.

Statistical data set - Live tables on Council Tax

Live tables providing Band D Council Tax figures, average Council Tax per dwelling and Council Tax statistics for parish and town councils can be read here.

Inside this issue:

Our Tribunal Hearing Programme – July to September 2021

The profile and volume of the hearings is:

Tribunal Type	July	Aug	Sept	TOTAL
Council Tax	70	67	78	215
2017 Rating List	9	7	8	24
2010 Rating List	2	1	1	4
Other	1	0	0	1
TOTAL	**82**	**75**	**87**	**244**

Council Tax hearings continue to dominate our hearing programme and approximate to around 88% of the hearings that we have convened in Q2. This is reflective of the cases that require consideration by a Valuation Tribunal panel. We are able to list the 2017 Rating List appeals within approximately four months of receipt, due to the relatively low volumes that we are presently receiving. Hearings in respect of the 2010 Rating List are being convened to deal with those appeals that are able to be progressed.

The hearing programme for Q3 is currently being finalised. Potentially, more 2010 Rating List hearings will be organised, dependant on the ongoing negotiations in respect of ATM related appeals. However, the programme will still be heavily weighted in respect of Council Tax hearings.

All hearings will continue to be remote, using the platform of MS Teams.

Business rates information letter – 4/2021: Legislation and 2021/22 business rates reliefs

Published on 7 May 2021, this covers:

- update on legislation
- 2021/22 business rates reliefs – subsidy control limits
- 2021/22 expanded retail discount – payments
- 2021/22 expanded retail discount – monitoring and assurance.

The letter can be read here.

Non-Domestic Rating (Public Lavatories) Bill

Following agreement by both Houses on the text of the Bill it received Royal Assent on 29 April 2021. The Bill is now an Act of Parliament (law). https://services.parliament.uk/Bills/2019-21/nondomesticratingpubliclavatories.html

Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill

This is a new public Bill, presented to Parliament by Government, to make provision about matters attributable to coronavirus that may not be taken account of in making certain determinations for the purposes of non-domestic rating; and to make provision in connection with the disqualification of directors of companies that are dissolved without becoming insolvent.

The Bill was introduced to the House of Commons and given its first reading on Wednesday 12 May 2021. The Bill was debated at second reading on Monday 28 June and was sent to a Public Bill Committee to be scrutinised. The Public Bill Committee has now completed the work and the Bill is due to have its report stage and third reading on Thursday 9 September 2021. https://bills.parliament.uk/bills/2861

Appeals stayed at the Valuation Tribunal for England

Type of appeal	Reason for stay
Valuation of museums and art galleries	Outstanding Upper Tribunal appeal
Questions on occupation of 'empty offices & other buildings' where property guardians occupy.	Cases impacted by the Court of Appeal decision in *London Borough of Southwark & Ludgate House Ltd, Ricketts (VO)* [2020] EWCA Civ 1637 Ludgate House Ltd have sought permission from the Supreme Ct to appeal the decision
Deletion of rating list entry sought on the basis that no valid completion notice has been served because an outsource company has been employed	VTE President to determine an appeal

Table to be continued on Page 3

Appeals stayed at the Valuation Tribunal for England	
Completion notice appeals where it is agreed or established that the works outstanding cannot be completed within three months of service of the notice	VTE President to adjudicate whether the VTE can set a completion date
Premises occupied by the Church of Scientology	Appeals heard by VTE President. Time is being allowed to the parties for appealing to Upper Tribunal.
Valuation of offices where the issue in dispute relates to fitting out costs which replace an existing fit out	VTE to hear a suitable case under 'complex' arrangements
Deletion of rating list entry sought on the basis of programme of works, where those works finished before the rating list expired	As this edition went to press the Court of Appeal's judgment in relation to Great Bear Distribution Ltd & Sykes (VO) [2020] UKUT 0238 (LC) Avison Young Ltd & Jackson (VO) [2020] UKUT 0058 (LC) was released. Stay remains in place for the time being in case the judgment is appealed to the Supreme Court
NDR - Photo booths, Coin counters, small children rides, Max Spielman machines, Coffee machines (such as Costa Express & Simply Coffee), Travel Money Bureaux, Lottery Terminals, Travel Terminals, Paypoints, Vending machines, Taxi Commission (payphones & other such devices), Lockers, Car bays, guided selling terminals & software, Post Offices hosted, Mobile Hand Car Washes, Laundrette machines, Pharmacy concessions	VTE to hear under complex case arrangements the valuation of potential hereditaments impacted by the Supreme Court's judgment in *Cardtronics* – the ATMs case

Decisions from the High Court

Kasperowicz v Plymouth City Council [2021] EWHC 1208 (admin)

An appeal against a VTE panel decision determining appellant was not entitled to council tax reduction (CTR) with effect from 12 May 2018.

The appellant argued that he had no income and was reliant on his mother for financial support.

The VTE found that he was in receipt of Universal Credit (UC) at the relevant time. Under paragraph 14 of the billing authority's scheme the appellant's UC award was used to calculate his income for the purposes of CTR. The appellant withdrew his UC claim in January 2021.

His Honour Judge Allan Gore QC dealt with the appeal on the papers and was critical of both parties for not appreciating that the High Court was not a fact finding tribunal but an appeal court of last resort which could only consider errors of law arising from a VTE decision.

The Judge found:

1. The Appellant's withdrawal of his UC claim led to an award of CTR which made this appeal somewhat academic.
2. The Appellant's correct CTR entitlement from January 2021 was not a matter for the High Court. An appeal against the calculation lay to the VTE.
3. The only issue for the VTE to decide was whether the appellant had any income at the relevant time and there was factual evidence to justify the decision that the VTE arrived at.
4. No errors of law were identified.

The appeal was dismissed.

Decisions from the Supreme Court

Hurstwood Properties (A) Limited And Others (Respondents) v Rossendale Borough Council and Another (Appellants) [2021] UKSC 16

The Supreme Court heard two claims brought by two local authorities against the appellant companies. The local authorities argued that the appellants were liable for unoccupied property rates on several properties, the potential debt ranged from a few thousand to millions of pounds. Two claims were heard as test cases. The respondents argued that the special purpose vehicles (SPV) established were liable instead. An SPV is a company with no assets or business. The registered owner would grant a short lease to the SPV so that it would become the liable owner for business rates. The SPV was then either put into members' voluntary liquidation or dissolved so buildings which could not be occupied, because the owner was in liquidation, were exempt from empty property rates.

It was common ground that the schemes were created purely for rates avoidance. It was also accepted that the leases were not shams.

In the cases before it, the Supreme Court held that an SPV was not a person who was entitled to possession under section 65(1) of the 1988 Act because Parliament would not have sensibly enacted legislation which allowed rates to be imposed on a company which had no real or practical ability to exercise its right of possession. The right of possession therefore remained with the respondents. The Supreme Court emphasised that in applying the Ramsay principle, it did not mean that the leases were ignored. It just meant by examining them closely, whilst the badge of ownership was transferred, the right to legal possession as required by the 1988 Act was not.

Click here for the full decision.

Decisions from the Upper Tribunal (Lands Chamber)

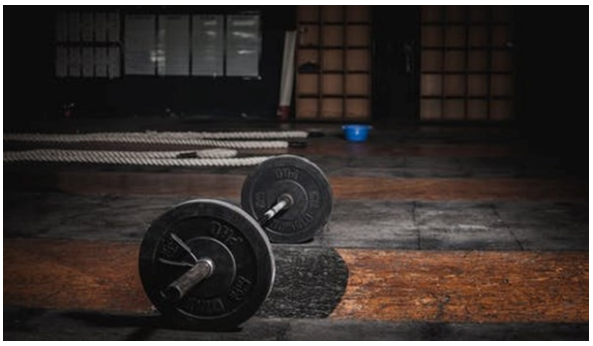
Meadowbank International Ltd v Allis (VO) [2020] UKUT (LC) RVR 117

A first-floor gym converted to residential use. The VTE dismissed the ratepayer's appeal for a nil assessment because at the material date the conversion works had not begun.

Last used in 2014 when the occupier went out of business, the gym stood empty until it was converted into flats. The appellant sought a nil entry from 25 April 2014 on the basis of the condition of the premises.

The Upper Tribunal found that no programme of works was commenced by the appellant until May 2018. The VO gave evidence to the effect that having inspected the property in 2017 it was in a state of reasonable repair. None of the photographs taken by the appellant in May 2017 showed signs of any work in progress.

The appellant's case was reliant on the state of the market and the difficulty of finding a new tenant, matters which were irrelevant to the question of whether the gym was capable of beneficial occupation at the material day. The appellant also argued that pre-planning enquiries and its subsequent planning application signalled the start of its programme of works, an argument rejected by the Upper Tribunal.



The appeal failed as no works had started by the material day and the Upper Tribunal upheld the original VTE decision.

Court of Appeal

Avison Young and David Jackson (VO) and between Jo Moore (VO) and Great Bear Distribution Ltd [2021] EWCA Civ 969

Two appeals were consolidated and heard together.

In both cases the relevant hereditaments were subject to a programme of works which rendered them incapable of beneficial occupation. Following the completion of the works, each hereditament had been altered which resulted in a lower potential rateable value (RV).

In the Avison Young appeal, the VTE Vice President had determined a nil assessment for the duration of works by order under Regulation 38 (7) of the VTE (Council Tax and Rating Appeals) (Procedure) Regulations 2009 thereby reinstating the previously existing RV into the list once the works were completed.

In Great Bear, the Vice President determined that it was inappropriate to make an order under the same Regulation. The subtle difference between the two appeals was that in Avison Young the proposal was made on the grounds of a material change of circumstances. In Great Bear, the proposal simply sought a deletion.

The Upper Tribunal upheld the VTE's approach and the appellant in Avison Young and the VO in Great Bear appealed to the Court of Appeal.

The ratepayers argued that Regulation 38 (7) cannot be used in cases where the RV is different before and after a programme of works. However, since the language of Regulation 38 (7) includes where circumstances giving rise to the alteration ….have ceased to exist the order may require the alteration to be made in respect of such period as appears….to reflect the duration of those circumstances the Court of Appeal determined that it aptly covered the two scenarios in both appeals.

The Court of Appeal also referred to the Supreme Court's judgment in Monk where it was held that there was no real distinction between a nominal entry and a deletion, when it was accepted that a hereditament had ceased to exist. The Court of Appeal therefore determined that the VTE's approach in Avison Young was correct, but its approach in Great Bear was flawed. It determined that Regulation 38 (7) should have been applied for the period of the works and the original entry reinstated, following their completion.

The Court of Appeal commented that it had been open to both ratepayers to make separate proposals, after the works had been completed, to correct their respective assessments on the basis of a separate material change of circumstances.

Interesting VTE decisions—Non Domestic Rating 2010...

Is the Church of Scientology Religious Education College Inc a place of worship?

Exemption under paragraph 11 of Schedule 5 to the Local Government Finance Act 1988 was sought.

The VTE President heard three appeals together in relation to premises in Tottenham Court Road and Queen Victoria Street in London and Deansgate, Manchester.

The issues in dispute were:

1. Did the appeal properties comprise chapels which were places of public religious worship?
2. If so, did the identified rooms qualify as similar buildings to a church hall?

Without prejudice to the above, did the identified office areas qualify for exemption?

To be continued on Page 6

Interesting VTE decisions—Non Domestic Rating 2010 continued...

The VTE President found that none of the appeal buildings were places of public religious worship. None of the properties from a physical viewpoint would give the ordinary person, passing them in the street, the impression that they were places of public worship. In addition, there was no regular visible signage or advertisement of religious ceremonies to which ordinary members of the public were invited to attend. Therefore the invitation test for places of religious worship was not met.

As the appeal properties did not qualify for exemption under paragraph 11(1), the VTE President then considered the argument that the premises which were used as offices qualified for exemption under paragraph 11(2).

Having regard to the legislative wording of paragraph 2, a hereditament would only be exempt to the *extent that* it was occupied by an organisation responsible for the conduct of public religious worship falling within paragraph 1(a), the President determined that mere office use did not qualify for exemption. The office use had to be in connection with the place of religious worship. As the appeal properties were not places of public religious worship, the offices could not qualify for exemption simply because the Church of Scientology had other buildings elsewhere in the county that qualified for exemption. In the cases under consideration, there was no evidence to show that the offices were used for similar administrative functions that took place in a church back office. Instead the evidence showed that some of the offices were used for auditing to rid persons of negative influences or behaviours.

The appeal was dismissed.

Click here for the full decision.

Interesting VTE decisions—Council Tax Liability

Exemption under Classes G And J

1. An appeal brought by the appellant, against a decision issued by Allerdale Borough Council, who had rejected the appellant's application for exemption in accordance with Classes G and J of The Council Tax (Exempt Dwellings) Order 1992 (as amended) SI No 1992/558 in relation to the appeal property, which was a second home.

2. The agreed facts were:

i) The appeal property was unoccupied.
ii) The appeal property was regarded as the appellant's second home and had been awarded second home discount since 2008.
iii) The appellant's main residence was in Northamptonshire.
iv) The appellant was the owner of the appeal property and the person legally entitled to occupy it.

3. The appellant had requested exemption from council tax under Classes G and J. Firstly, he sought Class G exemption on the grounds that he had been prohibited by law from visiting the appeal property due to the travel restrictions in place because of the COVID-19 pandemic. He stated that his main home was hundreds of miles away. He also requested Class J exemption on the grounds that the appeal property had been left empty as he had been required to care for a vulnerable person on the NHS shielding list. As such, he had not been using any of the facilities provided by Allerdale Borough Council.

4. In response, the Billing Authority's (BA) representative contended that Class G was not applicable as this class related to the property itself and not the personal circumstances of the taxpayer. Whilst the appellant had been unable to travel to the appeal property, the property could have been occupied by another household. Furthermore, the BA's representative contended that Class J was not warranted in the appellant's case, as the appeal property had not been his main home.

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Interesting VTE decisions—Council Tax Liability continued...

5. During the hearing, the clerk referred to a recent decision of the Valuation Tribunal in relation to *Mr A Moore v Great Yarmouth Borough Council* (Appeal number VT00003541, dated 4 February 2021).

6. The panel in the current appeal placed great weight on this decision as it had been treated as a test case and heard by the VTE President. Whilst the decision was not binding on the current panel, it gave persuasive authority that should be followed unless new argument on different points were raised.

7. The panel in the current appeal paid close regard to the wording of paragraphs 25, 26 and 30 of the *Moore v Great Yarmouth* decision, together with the circumstances of the appeal before it. The panel concluded that Class G exemption was not applicable. Whilst the travel restrictions in place had prevented the appellant from travelling to the appeal property, the property could have been occupied by others. Occupation of the appeal property had not been prohibited. The panel could not have regard to the appellant's personal circumstances that prevented him from travelling to and occupying the appeal property. Accordingly, the classification of Class G had not been met.

8. The panel then went on to consider the application for Class J exemption. The appellant sought Class J on the grounds that the appeal property had been left empty as he had been providing care for a vulnerable person on the NHS shielding list. After having regard to the wording of Class J, the panel noted that this class related to an unoccupied dwelling that had previously been the sole or main residence of a qualifying person who had left the premises to provide care elsewhere.

9. The panel noted that the appeal property had not been the appellant's sole or main residence. In fact, the appeal property had been in receipt of second home discount since 2008. Therefore, the panel held that the criteria had not been met and the application for Class J exemption was refused.

10. Having regard to the above findings, the panel determined that exemption in accordance with Classes G and J was not applicable in the case before it. Therefore, the panel upheld the BA's decision and dismissed the appeal.

Click here for the full decision.

Interesting VTE decisions—Council Tax Liability

Meaning of dwelling

The appeal property was a detached bungalow on a riverside farm site. There were other bungalows on the site. The appellant disputed that the bungalow was a dwelling.

Both parties made reference to an earlier decision of a Vice President (VP) that concerned chalets located on a farm site next to the river. In the VP's decision it was found that the chalets were not domestic as they lacked sufficient facilities to be 'used wholly for the purposes of living accommodation'. This case was appealed to the High Court by the Listing Officer in *The Queen on the Application of Corkish (LO) v Gillian Carter & Others* [2017] and the case was dismissed.

The panel in this appeal found there were significant differences between the appeal property and the chalets in the Carter case. The appeal property had mains electricity, mains water, cesspit sewerage, electric heating and a wood burning stove. The pictures provided to the panel showed the property to have a full kitchen and a plumbed in bathroom.

While the appellant only used the bungalow for leisure purposes, the panel found it met the criteria for domestic property and therefore was a dwelling for council tax purposes and should remain in the valuation list.

Click here for the full decision.

Interesting VTE decisions—Council Tax Liability

Valuation list entries for moorings occupied by boats can be backdated

A mooring occupied by a boat in the London Borough of Tower Hamlets. On 20 May 2018, the Listing Officer entered it into the valuation list at band A with effect from 1 December 2017. The appellant lived on the boat and had not expected to be liable for council tax. The appellant subsequently accepted that his home was a dwelling but objected to the backdating of the valuation list entry.

The panel's clerk advised the parties and panel that the relevant legislation concerning the day on which the valuation list alteration was to take effect was provided by Regulation 11 of the Council Tax (Alteration of Lists and Appeals) (England) Regulations 2009 (SI 2009 No.2270).
The clerk sent a copy of the Regulation to the parties before the hearing.

The panel found that Regulation 11(1) allowed the Listing Officer to show in the valuation list any dwelling that has come into existence from the day on which the circumstances that gave rise to the alteration occurred. This meant valuation list entries could be backdated, potentially back to the date the mooring and boat was first used as a dwelling.

The panel noted that the remainder of Regulation 11 provided some exceptions to this rule. There were some instances when backdating was not permitted; for example, when a Listing Officer split a single entry for a dwelling to create two new entries; or where the Listing Officer sought to increase an existing council tax band. However, none of the exceptions applied in this case and therefore the panel found nothing erroneous with the Listing Officer's decision to backdate the list entry.

Click here for the full decision.

Interesting VTE decisions—Council Tax Liability

Discretionary award

The appeal related to the decision of Northumberland County Council not to apply a discretionary reduction in respect of a property left empty by Mr Fenwick.

Mr Fenwick had moved to another property in order to provide a better environment for his children and attempted to sell his old property having already moved. As the Billing Authority (BA) offered no reductions for unoccupied properties, he sought a discretionary reduction as he was having difficulty in selling his previous home and was therefore paying CT on two properties.

The BA argued that discretionary reductions could only be applied in accordance with its policy where there were exceptional circumstances. It provided a list of such exceptional circumstances where such a reduction had been granted. The panel was satisfied that the BA had correctly concluded that Mr Fenwick's situation did not warrant a discretionary reduction.

Click here for the full decision.

Consolidated Practice Statement (CPS)

Don't forget: the CPS can be found on the VTS website which summarises the changes relating to COVID-19.

Click here to sign up to receive an alert when a new Practice Statement is issued or any future change is made.

Interesting VTE decisions—Council Tax Liability

Houses in multiple occupation

A dispute over whether the three appeal properties which had been occupied by the appellant were in fact houses in multiple occupation (HMOs). The billing authority's representative contended that the properties were not HMO's as the appellant, and other persons who had occupied the appeal properties, had signed joint tenancy agreements and there was no evidence to suggest the landlord had issued any individual tenancy agreements.

The appellant, using the services of an interpreter, explained that the appellant came into the country as a refugee from Eretria unable to speak English and was asked to sign many different tenancy agreements throughout the periods in question. The appellant alleged a non-understanding of what was being signed and a lack of awareness of the people residing in the property and had regularly been asked to sign new tenancy agreements at the properties whenever other people moved in or out. The tenancy agreements did not reflect the facts, only people who were in receipt of benefits were asked to sign the tenancy agreements whilst those in work paid the rent in cash. Consequently, there were often more people living in the properties than reflected on the tenancy agreements. Because she was on benefits, she was held liable to pay the council tax.

The evidence presented showed a series of assured shorthold tenancy agreements had been entered into between the landlord/letting agents and tenants during the periods in dispute. In form they were essentially very similar, and it was confirmed by the appellant that a new joint tenancy agreement had been issued each time a tenant left one of the properties or there was a new tenant.

The VTE found that the number of tenancy agreements, in particular changes in the rent payable, indicated that the properties were not let as a whole. The panel found the tenants did not have exclusive right to the whole property, as different tenants were being moved in and out. The Tribunal found that the evidence of tenancy agreements with differing rents depending on the number of tenants was significant evidence that the property was an HMO. This supported the appellant's claim that the tenancy agreements did not reflect the facts. It found that rooms were being let separately as on occasion the rent was too low to be for the whole property. The Tribunal made a finding of fact that the appeal dwellings were being let on a room by room basis, which explained why the level of rent tended to increase when there were more occupants. In reality, the appellant was only ever entitled to occupy part of the property and was not responsible for paying the rent for the property as a whole.

The appeal was allowed. Click here for the full decision

Interesting VTE decisions—Council Tax Liability

A doctorate student claiming a student disregard

The appellant had been working towards her doctorate from 2004 and claiming student disregard based on the student certificate from the university where she was studying. She submitted her thesis on 17 October 2018 and had to wait for her VIVA after which she was informed that she had to carry out a major rewrite of her thesis. She rewrote the thesis and resubmitted it. Again, she had to do a substantial rewrite and resubmit her thesis. She finally passed her doctorate on her third submission on 3 October 2020.

To be continued on Page 10

Interesting VTE decisions—Council Tax Liability continued...

During this period the appellant had been working on the resubmissions of her thesis for over 24 weeks in an academic year and for 21 hours per week as she had to carry out further research and rewrite the thesis. She therefore claimed that she had fulfilled the criteria for a student disregard for that period. The university had issued her with a student certificate, but the billing authority claimed this was only so that she could access all the university facilities including the library. The panel found that she had indeed satisfied the criteria for a student disregard for the periods whilst she was rewriting her thesis and so was granted a student disregard for the period between her first submission of her thesis and the final submission.

Click here to read the full decision.

Interesting VTE decisions—Council Tax Valuation

Buyer Beware - Increase of two Council Tax bands following a Material Increase

A detached house built between 1930 and 1945. On 1 April 1993 the property was entered into the valuation list at band E as a three-bedroom detached house with two living rooms, bathroom and a single garage, with a reduced covered area (RCA) of 101m^2. Improvements were made following planning permission in 2004 for a two-storey rear extension and single-storey side extension.

Following the appellant's purchase of the property on 15 December 2017, the Listing Officer reviewed the band to reflect that the property was now a four-bedroom detached house with three living rooms, three bathrooms and a single garage with an RCA of 201m^2. A Listing Officer's Notice was served which increased the band of the appeal property to band G.

The appellant challenged the two band increase on the grounds that there was no justification provided, the appeal property already had the highest band on the street, and there had been no changes to the property since the purchase two years ago. Following the submission of an appeal to the Tribunal, the appellant appointed a representative to act on his behalf.

There was no dispute between the parties that there had been a "material increase", followed by a "relevant transaction" as defined in Section 24(10) of the Local Government Finance Act 1992. The question before the panel was whether the Listing Officer had correctly increased the assessment of the property by two bands from band E to band G.

The Listing Officer's Regulation 17 Notice scheduled three sales in respect of the appeal property: £105,000 in September 1992, £165,000 in May 1998 and £690,000 in December 2017. The Listing Officer's representative submitted that the sale of the appeal property in 1992 was key, as this reflected the property at 101m^2 at a value towards the high end of the range for band E. Taking into account the fall in the property market at this time, he submitted that the value of the appeal property in 1991 would have exceeded £160,000, the band G minimum threshold.

To be continued on Page 11

Interesting VTE decisions—Council Tax Valuation

Initially the Listing Officer had also referred to properties in Barkham Road in support of band G for the appeal property. However, the appellant had disputed the relevance of those properties as he considered that to be a more desirable location. This was a point conceded by the Listing Officer, and so further comparable properties in Luckley Wood were provided in support of band G in his submission to the Tribunal. In addition, three comparable properties were provided in support of a tone at band G (Meadow Road, Rotherfield Avenue and Arthur Road).

The appellant's representative presented his own comparable properties for which he provided photographs with details and cited their effective floor area (according to Energy Performance Certificates or Rightmove), his estimate of the reduced covered area, distance from the subject and relevant transactions.

In view of the fact that all of the properties cited by the appellant's representative required a band review due to either extensions/alterations or incorrect information held by the Listing Officer, the panel could not attach any weight to them in support of a reduction in band for the appeal property.
The panel found the sales of the appeal property the most compelling evidence in support of band G. Given that it had sold for £105,000 in 1992 and £165,000 in 1998 when it was a three-bedroom detached house of 101m^2, the panel held that it was not unreasonable to assume that it would have achieved a value over £160,000 on 1 April 1991 as a four-bedroom detached house of 201m^2.

The panel found further support for band G with reference to the Listing Officer's sales evidence and comparable properties.

While an increase of two bands was uncommon, the panel held that as the appeal property had doubled in size, this did not appear to be unreasonable. At 201m^2 it was larger than all but one of the Listing Officer's comparable properties.

The panel confirmed band G with effect from 8 September 2019 and dismissed the appeal.

Click here for the full decision.

VALUATION TRIBUNAL SERVICE

We welcome any feedback.

Contact us:
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Valuation in Practice is published quarterly; the next issue will be in November.