Issue 77 August 2025

Valuation Tribunal Service

Valuation in Practice

News in brief

Want to write to us?

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Please note that from 1 September 2025, our new correspondence address will be:

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Email us at appeals@valuationtribunal.gov.uk.

Council tax shake-up to deliver fairer billing and support

On 20 June 2025, the Ministry of Housing, Communities & Local Government (MHCLG) published a press release outlining the changes to the administration of council tax. This includes:

- More manageable 12 monthly billing by default,
- action to crack down on punitive punishment for missed payments; and
- fairer treatment for the most vulnerable households.

You can read further about this here.

Open consultation: Modernising and improving the administration of council tax

This is a consultation on the administration of council tax, including how council tax is billed and how payments are collected and enforced.

It is disappointing that this does not seek views on the much needed fundamental reform of the council tax system in general.

You can read more about the consultation and respond here.

Dedicated Inbox for Valuation Office Agency queries

The Valuation Office Agency (VOA) has launched a dedicated email address vos@voa.gov.uk to accompany the newly implemented VOA Council Tax Operating System. This is particularly valuable for those corresponding on the following matters:

- Missing schedules
- Community codes
- Banding totals
- Schedule formats
- Blank schedules
- Incorrect effective dates

When submitting an email, please include the Billing Authority Code and the relevant issue (from the list above) in the subject line, e.g. "Example: 1234 – Missing Schedules".

The VOA has also requested that to help them resolve queries as efficiently as possible, that the respondent provide detailed information in the body of the email, and should include where applicable, the date of the schedule in question and a clear description of the issue or error encountered.

If you are reporting an issue relating to the VO council tax system and it is not listed above, please contact LAEngagement@voa.gov.uk.

Council tax information letters

See here for the latest council tax information letters from the MHCLG.

Accredited official statistics: Collection rates for council tax and non-domestic rates in England, 2024 to 2025

MHCLG published data on 25 June 2025 regarding receipts of council tax and non-domestic rates collected during 2024-25. This includes the arrears outstanding at the end of the financial year.

Read more about this here.

Guidance: Removing a property from the business rates list

On 16 June 2025, the VOA published their guidance of when and how to request a reduction in rateable value or to delete a property from the business rates list and when properties do not qualify. Read more about this guidance here.

Inside this issue:

Guidance: National non-domestic rates - guidance for billing authorities

This guidance, updated on 4 June 2025, is intended to support billing authorities on the central national non-domestic rates (NNDR) payment process for state-funded schools. The Department for Education pays NNDR bills directly to billing authorities that are on the central system on behalf of local authority-maintained schools and academies.

Business rates information letters

On 16 June 2025, the MHCLG published a business rates information letter which confirms decapitalisation rates for the 2026 revaluation.

This confirms that for the 2026 revaluation, rates will remain at the level set in 2016 of 2.6% for education, healthcare and defence properties; and 4.4% for other properties valued on the contractor's basis.

See here for the latest business rates information letters issued by the MHCLG.

Non-domestic rating statistics on challenges and changes

These statistics, published on 8 May 2025, include numbers of checks and challenges made by ratepayers (or their representatives) against the 2023 and 2017 local ratings lists for England and Wales. Background information and statistical commentary was also published.

Policy paper: Removal of eligibility of private schools for business rates charitable relief

On 9 May 2025, the MHCLG published that from 1 April 2025, in England, private schools that are charities will no longer be eligible for business rates charitable relief. This was as a result of the Non-Domestic Rating (Multiplier and Private Schools) Act receiving Royal Assent on 3 April 2025. Further information can be found here.

News story: How to choose a business rates agent

On 26 June 2025, the VOA published advice to help people choose a business rates agent. The vast majority of business rates agents are reputable and provide a good service. But a small minority act in bad faith. Their new guide and video can help you avoid them.

Our Tribunal Hearing Programme - July to September 2025

The profile and volume of hearing days for Quarter 2 are:

Tribunal Type	July	August	September	TOTAL
Council Tax	47	47	44	138
2017/2023 Rating List	27	27	31	85
2017 Rating List Complex Case	0	1	0	1
2017/2023 Rating List + Transitional Certificate	1	0	0	1
TOTAL	75	75	75	225

What is on the VTE Stayed Appeals List?

A test case was heard recently by the VTE President concerning an appeal on the grounds that there is an office over supply in London. If no appeal is made to the Upper Tribunal, against the President's decision (which is summarised later in this newsletter) the stay on other appeals made on the same grounds will be lifted.

The Listing Officer has appealed to the High Court the VTE preliminary judgment that held a proposal was validly made. In this case, there is an issue over validity because a historic decision was made on the same facts by a former tribunal that pre-dates the Valuation Tribunal for England (VTE).

Appeals on advertising rights owned by Network Rail and situated on railway premises or operational land have been stayed pending the outcome of the Court of Appeal hearing, which is scheduled to be heard in December 2025.

To be continued on Page 3

What is on the VTE Stayed Appeals List? cont'd...

Anaerobic Digestion plants appeals have been stayed to await an appeal to the Upper Tribunal in in respect of the VTE President's decision in respect of Bay Farm (CHG100858911) and Oak Grove (CHG100890093), which were heard as test cases.

Decisions of the Upper Tribunal

Amanda Hitchings (VO) and Shoosmiths LLP and Mando Group Ltd [2025] UTUK 224 (LC)

The Valuation Officer (VO) appealed a decision made by the VTE President. The main issue in dispute raised in these appeals was the level of uplift to reflect the tenant's bespoke fit-out to Category B. Offices are generally brought to the market in Category A condition, which was the case with the Mando Group premises in Liverpool. The offices occupied by Shoosmiths in Manchester were let in a shell condition and the landlord gave the tenant a capital contribution to cover the Category A fit-out works and made further capital contributions towards the Category B works. When the *Shoosmiths* appeal was before the VTE, it was agreed that the landlord's capital contribution towards the Category A works should be disregarded.

The ratepayers, who were the appellants before the VTE, decided not to respond to the VO's appeal and were therefore not involved in proceedings before the Upper Tribunal (UT).

In its earlier judgment in *Acenden,* the UT rejected the proposition that the tenant's fit-out to Category B would add nothing to the value of the premises. That proposition was put forward because when the tenant vacates, the landlord wants the premises back in Category A condition because the offices would then be easier to market. The VTE also rejected that proposition and even though *Acenden* was not binding on the UT, it was not minded to depart from the principle that fit-out to Category B added value.

No point of law was involved in these appeals, merely a question of value.

Before the UT, the VO argued that, in the absence of Category B comparable properties, a cost-based valuation approach should be undertaken to determine the value of the Category B fit-out. It was also argued that any capital contributions made by the landlord towards the Category B fit-out should be disregarded.

In the VTE decision, the President noted that the deal reached between *Shoosmiths* and its landlord included the rent and sufficient capital contributions from the landlord for the Category B fit-out. The President therefore saw no reason to adjust the level of rent to reflect the cost of fit-out. The VO argued that the VTE was wrong and the UT agreed.

The UT was also critical of the VTE's adoption of £10 per m^2 for Category B fit-out in *Mando* and £15 per m^2 for *Shoosmiths*, based on the fact that £25 per m^2 was universally adopted and accepted in London and the South which were more affluent areas. The UT held that the VTE's approach as arbitrary and unevidenced and should not be adopted in the future.

As offices were normally brought to the market in Category A condition, there was a dearth of rental evidence relating to properties let in Category B state. In the absence of reliable comparable evidence, the UT accepted the VO's argument that a valuation approach based on amortized costs for the Category B fit-out would best reflect the fit-out's value to the tenant.

The UT allowed the VO's appeal in *Shoosmiths*, without seeing the need to determine any value for the Category B uplift. The reason being that the VO's valuation to Category A clearly indicated that the property's Rating List entry of £640,000 RV, prior to the VTE decision, was under assessed and as the Rating List was closed and there was no power to increase it on a proposal to reduce, the VO's earlier assessment was reinstated.

In the case of *Mando,* the UT reviewed the VO's Expert reports on amortised costs and also had regard to the limited comparable evidence submitted. Ultimately, it found the latter of greater assistance and determined an uplift of £30 per m^2 to reflect Category B fit-out and led to a basis of assessment of £110 per m^2. The assessment for *Mando* was determined at £54,000 RV.

Consolidated Practice Statement (CPS)

Please note: the CPS was recently amended and changes were effective from 1 July 2025. The CPS can be found on the VTS website under VTE guidance.

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Decisions of the Upper Tribunal cont'd...

Apart from the value of the Category B uplift, there were 2 other matters, which were in dispute before the VTE that were decided in favour of the ratepayers. The VO persuaded the UT that the VTE had erred in determining a quantum allowance was applicable in *Shoosmiths* (paragraph 55).

Before the VTE there was a dispute over whether the rent should be toned back to the antecedent valuation date from, either from when Heads of Terms were agreed or when the lease was completed. The VTE decided that it was the latter, as the Heads of Terms was not a formal agreement and the tenant could walk away without closing the deal. The UT, however, agreed with the VO that the date when Heads of Terms was agreed should be used as that was what the market was saying (paragraph 56).

Decisions of the Upper Tribunal

Robert Dyas Holdings Limited and Jo Moore (VO) [2025] UKUT 163 (LC)

The appeal property was a distribution warehouse in Swallowdale Lane, Hemel Hempstead and in allowing the appellant's appeal, the VTE had reduced the assessment from £880,000 to £875,000 RV with effect from 1 April 2017. That reduction in assessment was deemed insufficient by the appellant, so it appealed to the UT seeking a revised entry of £750,000 RV. In responding to the appeal, the VO sought the restoration of the original entry.

In determining this appeal, the UT's starting point was to analyse the rental evidence that was available at the Antecedent Valuation Date (AVD). Only two pieces of rental evidence were found to be of assistance. One related to an Amazon unit also in Swallowdale Lane and the rent passing on the appeal property itself.

Having analysed the two rents, in line with the statutory hypothesis, an analysed rent of £65.71 per m^2 was determined but the UT rounded it up to £65.75 per m^2.

Next the UT turned its attention to the tone of the list evidence. The VO argued that as the list was eight years old, the tone of value for distribution warehouses was established. The appellant's counter argument was that because there was a lack of a co-ordinated approach amongst ratepayers, under check, challenge and appeal, that the key rental evidence in this case had not been subsumed in the tone. The UT upheld the appellant's argument on this point.

Both parties accepted that the appeal property qualified for an end allowance because it suffered from a number of inherent disabilities, in comparison with the Amazon distribution warehouse which was free from any disability. The level of allowance was not agreed but given the difference between the analysed rents Amazon (£65.71) and the appeal property (£57.43), the UT deemed it appropriate to adopt the difference of 12.6% as its end allowance. The UT's valuation was therefore:

14,183m^2 x £65.75 = £932,525 less 12.6% = £815,027 plus £12,091 for rateable plant and machinery leading to a final assessment of £827,118 which it rounded down to £825,000 RV.

The appeal was therefore allowed.

Decision of the Court of Appeal

Bunyan (VO) v Fridays Limited [2025] EWCA Civ 666

The issue in this appeal is the scope of the agricultural exemption from business rates at paragraph 3(a) of Schedule 5 to the Local Government Finance Act 1998.

Three buildings, used for the grading, packing and storing of eggs, located on Chequer Tree Farm were the subject of the appeal. They process around 1.7 million eggs each week from poultry farms operated by Fridays Limited and a further 1.4 million eggs a week from 15 smaller independent poultry farms. The question posed by the appeal was whether those buildings were "*occupied together with agricultural land and is used solely in connection with agricultural operations on that or other agricultural land*" and thus exempt from rating?

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Decision of the Court of Appeal cont'd...

At first instance before the Valuation Tribunal for England (VTE), in *Fridays Limited v Collins (VO)* [2023] VTE CHG100582485 (NV17), the President of the Tribunal decided that the three buildings were not "*occupied together with*" the other agricultural land at Chequer Tree Farm. The President was not satisfied that the agricultural operations at Chequer Tree Farm, which involved the growing of barley and its milling into chicken feed, formed a single agricultural unit with the buildings which had an entirely different function; there was, in his view, no "*working* together" of the land and the buildings "*so as to form one agricultural unit*" (known as the "occupation test"). The requirement for a single agricultural unit is a longstanding one, established by the House of Lords in *Farmer (VO) v Buxted Poultry Ltd* [1993] AC 369. Following the Upper Tribunal's (UT) *obiter* statement in *Senova v Sykes (VO)* [UKUT] 275 (LC) at [18], the President was also not persuaded that the amendment to paragraph 3(a) by the Local Government Act 2003 changed that requirement. In view of that finding, which was sufficient to dispose of the appeal, the President did not go on to decide whether the second part of paragraph 3(a) – *is used solely in connection with agricultural operations on that or other agricultural land* (the "use test") – had been fulfilled.

On appeal in *Fridays Limited v Bunyan (Valuation Officer)* [2024] UKUT 149 (LC), the UT disagreed with the VTE President's conclusion, holding that the 2003 Act amendment did alter the interpretation of paragraph 3(a). The UT found that the requirement for the land and buildings to be "worked together" from *Buxted Poultry* was no longer authoritative and distinguished the case. It found that three buildings were physically occupied together with the arable land at Chequer Tree Farm and that this was sufficient to engage the exemption. But in the alternative (should it have been wrong on that point of law), the UT also held following *Buxted Poultry* that the three buildings were not "occupied together with" the arable land at Chequer Tree Farm (agreeing with the VTE President). However, the UT considered that even in this eventuality, the three buildings were agricultural buildings. In terms of the occupation test, the UT found that the buildings formed a single agricultural unit with the poultry farms operated by Fridays Limited (an argument that was not made before the VTE President). Turning to the use test, the UT concluded that the primary use of the three buildings was reasonably consequential to the agricultural operation of egg production (on both the Friday's poultry farms and the farms of 15 independent operators).

Now the case has reached the Court of Appeal.

The Court disagreed with the UT's conclusion that the 2003 amendment affected the occupation test established by *Buxted Poultry*. At paragraph [66], Levison LJ stated-

The meaning of "occupied together with" favoured by the UT was that the building and the land had to be "occupied as part of the same enterprise and must be geographically close if not contiguous." That is the very test that was rejected by the House of Lords in Farmer v Buxted; and potentially converts a tax on land into a tax on businesses."

But in considering the UT's conclusion on its alternative basis, the Court was satisfied that it has faithfully applied the test from *Buxted Poultry* and was entitled to conclude that the operations in the three buildings were sufficiently connected with agricultural operations on the Fridays poultry farms. Turning to the use test, the Court held that the 2003 amendment had clearly broadened the use test to include "*other agricultural land*" outside of the single agricultural unit. The Court noted that the UT had found that the buildings were so used, by the agricultural land at the Fridays poultry farms, or the other agricultural land owned by the 15 independent egg producers, or a combination of both. Accordingly, dismissing the Valuation Officer's appeal, the Court agreed with the UT's alternative basis for finding the three buildings were exempt as agricultural buildings under paragraph 3(a).

Full case test available at: Bunyan (Valuation Officer) v Fridays Ltd [2025] EWCA Civ 666 (22 May 2025)

Decisions of the VTE - Non-Domestic Rating List 2017

Lubbock Fine (UK) Ltd and Nicola Johnson (VO) [VTE]

This was a test case heard by the President. The proposal that ultimately gave rise to the appeal was made on the grounds of a material change of circumstances (MCC). The MCC referred to was the increasing number of new office developments that had come to the market which had resulted in oversupply.

The appeal property was situated on the 3rd Floor, Paternoster House, 65 St Paul's Churchyard. As the appeal property's

Click here to sign up to be notified of when the Consolidated Practice Statement is updated.

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Decisions of the VTE - Non-Domestic Rating List 2017 cont'd...

address implied it was situated close to both St Paul's Cathedral and Paternoster Square.

When the original challenge was made, the appellant proposed a 10% reduction for the effect of the MCC with effect from 10 May 2019. This proposed effective date coincided with the date when the largest office development in Europe, 22 Bishopsgate, was topped out.

There were two issues that the President had to decide. Firstly, the level of allowance, if any, for the oversupply. Secondly, the effective date for any reduction.

When it was first occupied by the appellant in 2014, the appeal property was top of the range Grade A space. However, at the material date 16 February 2023, a number of new office developments had come to the market, which were of superior quality, and the appeal property was now classed as secondary Grade A space.

There was no rental evidence to support the appellant's case for an MCC allowance. In addition, despite the total amount of Grade A office space in the City of London increasing by 8.6% between 2017 and 2022, vacancy rates remained low.

Ultimately, the appellant's case was reliant upon the fact that the appeal property's assessment for the 2023 Rating List was 23% lower than its corresponding 2017 List entry. The appellant's representative argued that some of the fall in value had to have been attributable to oversupply and sought a revised allowance of 5% with effect from 10 May 2019.

It was accepted any fall in values due to purely economic factors or resulting from the coronavirus pandemic fell to be disregarded. The London economy had also been affected by Brexit.

The President was not persuaded that the appeal property's lower rateable value for the purposes of the 2023 list was sufficient to prove its case. Economic shocks, like Brexit and the pandemic would have had an impact. In addition, some properties would have increased in value, between the respective antecedent valuation dates, and some would have decreased in value. The revaluation exercise allowed the Valuation Officer (VO) to adjust assessments to reflect changes in the property market. Ultimately, no evidence was put before the President to persuade him that any of the fall in value was attributable to oversupply. The appeal was therefore dismissed.

Had the appeal been allowed, any reduction would not have taken effect from 10 May 2019, because the physical state of the locality was different at the material day 10 February 2023, following the completion of five new office developments. As the date of the last office development to be completed was unknown, had the appeal succeeded, the effective date of any reduction would have been the material day, which was the effective date proposed by the VO.

Click here for the full decision.

Decisions of the VTE - Council Tax Liability

50% council tax discount – Homes for Ukraine Scheme

The appellant was aggrieved that his request for a 50% council tax discount had been refused by the billing authority (BA), as he had moved to the UK with his family from Ukraine under a government scheme, and had been advised that he would receive a discount. The BA had taken a long time to respond, and had requested payment of around £2,000, which he could not afford.

The BA's representative apologised for incorrect advice given to the appellant, and the delay caused in processing the application for a discount. He confirmed that the decision to refuse the discount was correct, as the appellant had entered the

To be continued on Page 7

Decisions of the VTE - Council Tax Liability cont'd...

UK under the "Ukraine Family Scheme", however, the regulations specified that the discount applied to residents who entered the UK under the "Homes for Ukraine Scheme".

The Council Tax (Discount Disregards and Exempt Dwellings) (Amendment) (England) Regulations 2022 came into force on 12 April 2022.

Regulation 2 amends the Discount Disregards Regulations to prescribe persons sponsored under the Government's Homes for Ukraine scheme as an additional class of persons to be disregarded.

> **"Homes for Ukraine Scheme**
>
> Class G: a person who holds permission to enter or to stay in the United Kingdom granted under the Homes for Ukraine Sponsorship Scheme route in Appendix Ukraine Scheme of the Immigration Rules."

The panel referred to the appellant's supporting documents, which confirmed that his application to enter the UK under the Ukraine Scheme had been successful, under the Ukraine Family Scheme. The BA's submission contained the Homes for Ukraine: guidance for councils, which stated:

"This guidance does not cover displaced persons coming in via the Ukraine Family Scheme."

While the panel acknowledged why the appellant considered that he was eligible, it was clear that the discount specifically applied to residents who entered via the Homes for Ukraine Scheme.

The full decision can be found here.

Decisions of the VTE - Council Tax Liability

Class G exemption

Appeals on behalf of the appellant (Mandrake Holdings Limited) sought exemption from the council tax under Class G of The Council Tax (Exempt Dwellings) Order 1992 (as amended) due to occupation of the appeal properties being prohibited by law for the period 1 April 2020 to 17 May 2024 (the period in dispute). In the alternative, discretionary relief was sought. It was agreed between the parties that the two appeal properties had been unoccupied and substantially unfurnished during the period in dispute and had become subject to a long-term empty premium from 17 April 2006 in the case of Flat 1 and 1 July 2013 for Flat 2.

The tribunal identified an issue, not previously raised by the parties. It identified that the Billing Authority (BA) had held a different company to the appellant liable for the council tax. This was Mandrake Holdings Ltd (registered number 12068236) and it was billed for the period in dispute. This company was incorporated on 25 June 2019 and dissolved on 19 November 2024. The appeal however had been brought on behalf of Mandrake Holdings Limited (registered number OE028954). This company was only incorporated on 23 March 2023 and had never been held as the liable party for the appeal properties by the respondent BA.

The panel was aware that in order for an appellant company to bring an appeal to this Tribunal it must be an aggrieved person under section 16 of the Local Government Finance Act 1992. In this case the appellant must fall within section 16 (1) as being the person who "is liable to pay council tax in respect of such a dwelling". The panel found that the appellant company was never held liable for council tax for the appeal properties, it was in fact Mandrake Holdings Ltd that was the liable party. Mandrake Holdings Limited, which was a different company, had never been held liable for council tax on the appeal properties. The panel therefore found that the appellant had no legal basis for an appeal to this Tribunal in connection with the appeal properties.

In view of the above findings and conclusions, the panel had no alternative but to dismiss the appeals, as the appellant was not the liable person and therefore had no liability to pay the council tax.

Read the full decision here.

Decisions of the VTE - Council Tax Liability

Long-term empty premium and Class D discount for properties undergoing major works

This appeal concerned two issues. Firstly, the application of a premium on the basis that the subject property met the criteria

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Decisions of the VTE - Council Tax Liability cont'd...

to be considered a long-term empty dwelling under section 11B of the Local Government Finance Act 1992 ("the Act"). Secondly, the Billing Authority's (BA) decision to revoke a discount under section 11A of the Act for Class D dwellings under the Council Tax (Prescribed Class of Dwellings) (England) (Amendment) Regulations 2012.

The BA had awarded 100% discount under Class D from 25 July 2023 but removed the discount from the beginning of the following financial year, 1 April 2024. A premium was then applied from 25 July 2024 on the basis that the property had been unoccupied and unfurnished for more than a year at that date.

The panel examined the evidence provided by the parties and concluded that the property had been unoccupied since the appellant's purchase and the appellant had provided no evidence to show that it was furnished prior to the premium being applied. The BA had provided no submissions on the issue of the Class D discount, despite this being one of the matters raised by the appellant. The panel was satisfied that a local determination had been made to award a discount for Class D properties, as evidenced by the council tax bill supplied by the appellant, but no evidence had been supplied by the BA to show that a further local determination had been made to revoke the earlier resolution to award a discount with effect from 1 April 2024.

The panel concluded that the appellant had a reasonable expectation that the discount she was awarded would continue for the prescribed twelve months if the property continued to meet the criteria. In the absence of any evidence from the BA to show that it had made a determination to revoke the discount, the panel ordered it be reinstated for the remainder of the twelve months.

The appeal was therefore allowed in part.

Click here to read the full decision.

Decisions of the VTE - Council Tax Liability

Class N exemption

The appellant was aggrieved by the billing authority's (BA) determination that he was not entitled to the Class N exemption, contending that both he and his wife were full time students.

There was no dispute that the appellant and his wife were residing in the appeal property or that they were both students. However, the task for the panel was to decide if they both fulfilled the criteria to be entitled to the Class N exemption.

The issue was whether or not the Southport Language Centre was a Prescribed Educational Establishment. The BA considered that it was not.

The owner of the Centre (LS) appeared at the hearing, in support of the appellant and confirmed that Southport Language Centre did not employ any staff. There was no monitoring of students' performance or attendance, as students would lose their own money if they failed to continue with their study. None of the courses led to a specific qualification, such as a G.C.S.E.,'A' level or a degree. In effect they are courses purely for those who want to learn one of three languages (Thai, Spanish or Gaelic). He also confirmed that they were not permitted to accept students who were paying for the courses with student loans.

However, LS stated that a student certificate had been accepted by another BA and therefore other BA's clearly accepted that Southport Language Centre was a Prescribed Education Establishment.

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Decisions of the VTE - Council Tax Liability cont'd...

The appellant and LS also stated that Southport Language Centre was registered with the Information Commissioner and with Companies House.

The panel was not persuaded that Southport Language Centre was a Prescribed Education Establishment. No evidence had been presented to demonstrate that it was registered with the Department of Education or Ofsted. The panel also applied significant weight to the Southport Language Centre not being able to accept students who wish to fund their studies by a student loan; it was also significant that the courses did not lead to any formal qualifications nor did it employ the tutors or any additional support staff. There is limited supervised study, no formal timetable and by their own admission, any tuition is provided via distance learning/correspondence courses.

Read the decision here.

Decisions of the VTE - Council Tax Valuation

Whether a narrowboat should be entered into the council tax valuation list as a dwelling

This appeal concerned a dispute over the entry of Narrowboat Rosie into the valuation list at band A from 9 June 2016. The Listing Officer (LO) had entered the boat into the list following a report from the local Billing Authority (BA), on the basis that it was the appellant's sole or main residence and there was a degree of permanence at the mooring in question. The LO had accepted that the appellant had given up the mooring in June 2023 and deleted the entry from 1 July 2023. Therefore, the dispute concerned whether or not the boat and its mooring were correctly entered into the list for the period 9 June 2016 to 30 June 2023 inclusive. After examining the governing legislation, the panel was satisfied that a mooring occupied by a boat could be domestic if it was the sole or main residence of an individual. The appellant did not dispute that his home was on the boat, and he had no other residence. However, he contended that he was a 'continuous cruiser' and the Canal & River Trust regulations require a 'home mooring'. The panel was provided with some evidence that the boat was only sighted at the mooring six times between 1 August 2022 and 3 July 2023 but there was no evidence of its movements back to 2016, when the BA had requested its entry in the valuation list.

The appellant submitted that there was no exclusive right to a particular mooring, but his contract allowed him a space there when required. After questioning the appellant, the panel established that the mooring accepted both residential "stay aboard" boats and leisure cruisers. The LO's representative conceded that, in light of this information and with regard to the Valuation Office Agency's council tax practice notes, this would make the mooring part of a composite hereditament occupied by the owner of the moorings. Combined with the limited evidence about the movements of the boat and the lack of a guaranteed specified mooring when the vessel returned from cruising, the panel found that on the balance of probabilities the mooring was a composite hereditament controlled by the owner and there was insufficient evidence that the vessel in question had any degree of permanence at the mooring.

The appeal was allowed.

It appeared that the LO had taken the BA's report at face value and some additional investigation and fact finding would perhaps have avoided the need for the appeal.

Read the full decision here.

Decisions of the VTE - Council Tax Valuation

Deletion of band entry on grounds that the property is in a state of severe disrepair

The appellant sought the deletion of Pear Tree Cottage's list entry from April 2021, arguing that the property was in a state of severe disrepair and uninhabitable. The listing officer (LO) initially rejected the proposal but later conceded it should be

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Decisions of the VTE - Council Tax Valuation cont'd...

deleted from 13 September 2024, based on new photographic evidence. However, the appellant maintained that the property had become uninhabitable much earlier.

The panel reviewed extensive evidence, including photographs, emails, and a structural report dated 7 December 2022. The report detailed significant structural decay, including a perished thatch roof, decayed timber framing, compromised floor structures, and widespread moisture ingress. The report concluded that the property was beyond reasonable repair and recommended demolition and replacement.

The key legal test was whether the property could be rendered suitable for occupation with a reasonable amount of repair. The panel found that the property required more than reasonable repairs and was incapable of occupation in its current state.

The LO did not provide any expert evidence to counter the appellant's structural report, relying instead on general arguments that the property was not at risk of collapse and could be repaired. The panel found this insufficient, noting that the burden of proof shifts to the LO when credible independent evidence is presented. The Tribunal also referenced case law, including *Willson* v *Coll (Listing Officer)* [2011] EWHC 2824 (Admin), which supports the principle that a property must be capable of being rendered suitable for occupation with reasonable repairs to remain in the valuation list.

The panel concluded that Pear Tree Cottage ceased to be a hereditament on 7 December 2022, the date of the structural survey, and ordered its deletion from the valuation list from that date. The statutory repair assumption was not engaged because the property no longer existed as a hereditament.

The appeal was therefore allowed in part.

Click here to read the full decision.

VALUATION TRIBUNAL SERVICE

We welcome any feedback.

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