

THE VALUATION TRIBUNAL FOR ENGLAND



Council Tax Valuation appeal; Council Tax (Situation and Valuation of Dwellings) Regulations 1992; three bedroom detached bungalow located on a private island that was accessed via boat in the middle of the River Thames; sales completed on comparable properties in the locality around the antecedent valuation date demonstrated that the current band F assessment placed on the appeal property was not excessive; appeal dismissed.

RE: Memphis, Pharaohs Island, Shepperton, Middlesex TW17 PLN

APPEAL NUMBER: VT00008650

BETWEEN:	Mr P	Appellant
	and	
	Ms D Bunyan (Listing Officer)	Respondent

PANEL: Mr GD Coombes (Senior Member) and Mrs FER Duggan

CLERK: Mrs R James

REMOTE HEARING 1: Monday 16 May 2022

PARTIES PRESENT: The appellant
Mr J Archer (Respondent's representative)

Summary of decision

1. Appeal dismissed; the appeal property's assessment remained unaltered at band F, with effect from 1 April 1993.

Introduction

2. This appeal was brought in respect of the following: A proposal was served on the listing officer dated 26 April 2021, by the appellant within six months of him becoming the new taxpayer in respect of the appeal property. He disputed the band F assessment placed on the appeal property and sought a reduction to band E. The listing officer determined that the proposal was not well founded and issued a decision notice to that effect on 25 June 2021.

On 23 September 2021, the appellant made an appeal to this Tribunal against the decision notice.

3. Under regulation 6 of the Council Tax (Situation and Valuation of Dwellings) Regulations 1992 (SI 1992 No. 550), each valuation band represents a value that the dwelling might reasonably have been expected to realise if it had sold in the open market by a willing vendor on 1 April 1991. The bands were set out in section 5(2) of the Local Government Finance Act 1992, with the relevant bands in relation to this appeal being:

Band E – values greater than £88,000 but no greater than £120,000;

Band F – values greater than £120,000 but no greater than £160,000.

4. In this appeal, the relevant date for consideration of the physical state of the property and its locality was 1 April 1993; the date the appeal property was originally entered in the valuation list.
5. According to the Valuation Office Agency's (VOA's) records, the appeal property was a detached bungalow that had been constructed between 1919 and 1929. It measured 99 m² and comprised two living rooms, a kitchen, three bedrooms and a bathroom. This property also had the benefit of a single garage.
6. The appeal property was located on Pharaohs Island, which was a private island accessed by boat. The island was situated in the middle of the River Thames between Shepperton and Weybridge Banks.
7. With the agreement of the parties and to assist the appellant, the panel varied Practice Statement 8 (the Model Hearing Procedure) and invited the respondent's representative to present his evidence first.
8. This is not intended to be an exhaustive record of the proceedings, but the parties can be assured that all of the evidence presented was fully considered by the panel before it arrived at a decision. Consequently, the absence of a reference to any statement, or evidence, should not be construed as it having been overlooked.

Issue

9. The issue in this appeal was whether the existing band F assessment, with effect from 1 April 1993, was correct for the appeal property.

Evidence and submissions

10. The panel had been provided with a bundle of evidence, which comprised a copy of the appellant's proposal and appeal form, together with a copy of the listing officer's decision notice and the appellant's supporting information. The bundle also comprised a copy of the listing officer's submission, which provided his written statement, location plans, photographs and details of the appeal property and of other properties cited for comparable purposes, an evidence summary, extracts from relevant legislation, a copy of the Regulation 17 notice served and a rebuttal to the appellant's case.
11. Having regard to the sales and tonal evidence he had presented, together with the points raised by the appellant, the listing officer believed that the appeal property had been correctly placed in band F. Accordingly, he sought dismissal of the appeal.

12. The appellant pointed out that whilst the appeal property benefitted from a garage, it could not be used for parking a vehicle as the island was only accessible by boat. He was not convinced the sales or tonal evidence provided by the listing officer supported band F for the appeal property. He had purchased the appeal property for £520,000 on 26 February 2021, when he considered he had paid over market value. He had utilised the Nationwide House Price Indices that estimated an April 1991 value of the appeal property to be within the band E range. Having regard to the comparable evidence he had presented; the appellant sought a reduction in the appeal property's assessment to band E.

Decision and reasons

13. In coming to a decision, the panel had regard to the legislation for council tax and, in particular, the Council Tax (Situation and Valuation of Dwellings) Regulations 1992, which amongst other things, required that the value of a domestic property for council tax banding purposes was the amount which it might reasonably have been expected to realise had it been sold on the open market by a willing vendor on 1 April 1991.
14. The panel held that the best evidence on which to determine this appeal was a sale on the appeal property or a comparable property that had completed at or around the antecedent valuation date (AVD) of 1 April 1991.
15. The appellant had utilised the Nationwide House Price calculator, to gauge the estimated April 1991 value for the appeal property. However, the panel viewed the calculation with caution as it was aware that house price calculators and indices were by their very nature unreliable for council tax purposes and, therefore, of little assistance, as they covered a wide geographic area, which contained great variation between different localities and included different types of properties. Accordingly, the panel placed less weight on the evidence derived from indices.
16. In support of band F for the appeal property, the listing officer had provided the panel with the following sales details of four detached bungalows, one of which was located on Pharaohs Island and the other three on the mainland in Shepperton:

Address	Size m ²	Sales Value	Sales Date	Band
Lotus, Pharaohs Island	94	£87,000	12 March 1987	F
50 Walton Bridge Road, Shepperton	79	£111,000	31 October 1990	E
27 Lois Drive, Shepperton	74	£105,000	4 July 1991	E
22 Lois Drive, Shepperton	86	£115,000	17 September 1991	E

17. The listing officer contended that the sale on Lotus suggested that there was a premium attracted to properties on Pharaohs Island. He explained that the housing market had been on the increase at 1987, as such he would have expected Lotus to have achieved a sale in excess of £120,000 as of April 1991. On the other hand, the appellant had sought the advice of a local estate agent who believed that sales prices indicated the property values on Pharaohs Island tended to be lower than those on the mainland.
18. The appellant explained that there were only 23 properties on Pharaohs Island. Properties did not go on the market very often. However, when they did, finding a buyer was not easy.

Life on the island would not be for everyone, he had previously lived on a boat. He highlighted the following issues regarding life on the island:

- i) They were required to take waste across the river to bins on the mainland.
- ii) Building work was more expensive and inconvenient owing to the complexity of delivering materials to the island.
- iii) They did not have the option of adding an electric car charging point to their property on the island, so had to find alternative places to recharge electric vehicles.
- iv) Food shopping had to be taken across the river.
- v) Additional charges were payable for a reliable internet connection.
- vi) Flooding was an issue.
- vii) Crossing the river in bad weather was hazardous.
- viii) The island required its own Fire Brigade.

19. Having heard about life on Pharaohs Island, the panel did not find it appropriate to compare properties on the island to those on the mainland. Whilst some would view life on the island as idyllic, the panel also accepted that its location would put some potential purchasers off. As such, the panel placed little weight on the three sales that had completed on properties on the mainland, which left the one sale in respect of Lotus.

20. The panel did not find the sale on Lotus to be particularly helpful. The sale had completed in March 1987, which was four years pre AVD. The panel found that the sale had completed too remote from the AVD to be particularly helpful in this appeal.

21. The panel was aware that a property's banding could also be determined by tone, should the 'tone of the list' have been established. A tone is established when a number of properties of the same type, sharing similar age, size, character and location are attributed the same council tax band. Over a period of time those bandings may have been challenged, accepted or determined by the Valuation Tribunal.

22. The panel noted that there were 23 properties on the island, of which 21 were detached bungalows. Of those 21 detached bungalows, the panel noted:

- i) 3 had been placed in band G;
- ii) 17 had been placed in band F; and
- iii) 1 had been placed in band E.

23. The listing officer added that of those 17 detached bungalows placed in band F, 11 of which measured below 100 m².

24. The appellant had made specific regard to Luxor, which he described as an identical property to the appeal property. The two properties had been built off identical plans, at the same time from the same materials. He accepted that subsequent alterations to the properties differed slightly. He contended that the appeal property should be placed in band E, like Luxor. However, according to the VOA's records Luxor was a smaller three bedroom detached bungalow measuring 75 m². The listing officer stated that he was to review the banding placed on Luxor, which was the only property on the island placed in band E.

25. The appellant had disputed the measurements of some of the properties on the island as put forward by the listing officer. He also highlighted that some other properties had been extended and remained in the same council tax band. However, the panel wished to

emphasise that following a material increase of a property (extension/alteration) the listing officer could only review the band of that property to reflect those alterations once a relevant transaction (sale) had taken place in respect of that property. As such, it could appear like there were anomalies in the valuation list as the assessments placed on heavily extended properties had not been able to be reviewed as no recent sale had taken place. However, the panel also noted that the listing officer had stated that he would be reviewing a number of the assessments placed on the properties on the island as he was now aware of alterations.

26. The appellant considered the appeal property was the cheapest property on the island. He questioned how the appeal property could be placed in the same band as higher value properties. However, the panel noted that band F comprised a large bandwidth, which included properties with April 1991 capital values exceeding £120,000 but not exceeding £160,000. As such, it was reasonable to assume that there would be a whole range of property types, detachments and sizes within that band.
27. In appeals of this nature, the burden of proof rests on the appellant to demonstrate that the appeal property was placed in the wrong band. In this appeal, the panel concluded that insufficient evidence had been provided to demonstrate that band F was excessive. The appeal property had been placed in band F undisturbed since 1993. The panel placed greatest weight on the tone of the list evidence, which overwhelmingly demonstrated that a tone had been established for a three bedroom detached bungalow of 99 m² on Pharaohs Island at band F. Accordingly, the panel confirmed that the appeal property was correctly placed in band F, with effect from 1 April 1993. The appeal was therefore dismissed.

Date: 14 June 2022

Appeal Number: VT00008650