



Rating: Law and Practice 2025 - Applying Case Law to Practice

London - 11 March 2025		
Bryan Cave Leighton Paisner LLP, Governor's House, 5 Laurence Pountney Hill, London, EC4R 0HH		
£225 + VAT	Registration: 12.00 Finish: 17.00	3.5 CPD Hours
To book: https://cptevents.co.uk/event/rating-law-and-practice-2025		

Best rating practice cannot be achieved without understanding case law. This event enables leading lawyers and rating advisors, along with senior VOA contributors to come together to review key cases in the context of current practice. The event will be chaired by Upper Tribunal Judge Elizabeth Cooke. Together they will review important and topical cases and explore the nuances of what is best and effective practice in the light of these decisions.

Rating: Law and Practice is now an established and successful annual feature in the rating diary. It goes to the core of what rating is about: the impact of case law in rating work is profound and dictates how you practise. It is always valuable to hear about the cases, but the real value is in understanding the impact and significance of those cases on the way we work. This event provides commentary from the lawyers, from the VOA and private practice who have identified 5 core areas of rating practice. They will explore the extent and limits of how they impact on rating practice and the audience will be encouraged to join the unfolding debates.

The formula is a simple, they take a landmark case or an area of practice that is topical and/or contentious. The cases are then summarised by the speakers to enable a lively debate addressing the issues that will determine the rights and wrongs of assessments and valuations, pinpointing the questions that drive rateability and valuation.

Speakers:

Judge Elizabeth Cooke, Judge of the Upper Tribunal (Lands Chamber)

Hui Ling McCarthy KC, 11 New Square

Josh Myerson, Montagu Evans LLP; Vice Chair of the Rating Diploma Holders' Section of the RICS

Heather King, Valuation Office Agency

James Feltham, Valuation Office Agency

Jessica Hopewell, BCLP.

Cain Ormondroyd, Francis Taylor Building

Wayne Cox, Valuation Office Agency

Colin Hunter, CHExpertise Ltd

Richard New, Mills & Reeve LLP

Bradley Davies, Valuation Office Agency

Luke Wilcox, Landmark Chambers

Tim Johnson, CBRE; Past President, The Rating Surveyors' Association

Michael Pearce, Valuation Office Agency

Phil Black, City of London Corporation



Topics Being Covered:

Unit of Assessment

Before conducting any valuation, it is necessary to determine the correct unit of assessment. In most instances, it is straight forward to apply the principles established in *Woolway (VO) v Mazars UKSC* and the subsequent PICO legislation. Grey areas have however emerged over the extent of the 'landlord control' principle following the *Cardtronics (ATM)* and *Ludgate House (property guardians)* decisions. We will examine the latest case law developments.

- **Kevin Prosser KC (Jockey Fields) v Ricketts (VO) [2024] UKUT 264 (LC)**
 - Barristers' Chambers assessed as a single hereditament
- **Charles Wells Brewery and Pipeline (Marstons Brewery) v Bunyan (VO)**
 - Whether two assessments formed a single hereditament
- **Moore (VO) v Bailey LC-2023-387**
 - Unit of assessment racing yard and point to point yard, joint or separate occupation
- **The Propane Company Ltd v Bunyan (VO) [2022] UKUT 0237 (LC)**
 - Shared ownership complications
- **Simon Earle Racing Ltd v Virk (VO) [2022] UKUT 311 (LC)**
- **Shynar Zhyzhaxynova and Jo Moore (VO) [2024] UKUT 204 (LC)**
 - Whether a warehouse and office occupied by two separate companies, albeit held under one lease, is one hereditament or two?
- **Network Rail 2024 UKUT 351**

Leisure

- **Farmer Ted's Adventure Farm Attraction**
- **Charles Waters and Cox (VO) [2024] UKUT 232 (LC)**
 - The calculation of the fair maintainable trade (FMT)
- **Apple Jacks Adventure Park**

Council Tax Borderline

- *What delineates whether hostels, self catering, holiday parks and student accommodation are Council Tax or NDR?*
- *What are the tests and thresholds that apply?*
- *What about offices being converted to residential?*
- **Bridge Cottage, Monmouth**
 - Domestic or not?
- **Ford Mill Farm, Bideford v VO**
 - Changes in domestic use
- **Firsby Manor and Outbuilding v Moore (Listing Officer)**
 - Converted outbuilding and subsequent sale, whether Council Tax or NDR

Completion Notices

Completion Notices remain a contentious area, particularly in relation to the length of customary works required. Will more completion notices be issued following the amendment to the definition of a 'building' in the NDR Act 2023? Will the number of appeals increase?

- **MEC LONDON PROPERTY and City of London Corporation VTE 2024**
 - Did the notice allow sufficient time to complete the customary works?
 - Are the real-world logistics of completing 16 floors simultaneously to be considered?
 - Should each floor be treated as a separate hereditament?

Exemptions

- **Fridays Limited vs Dawn Bunyan (VO)**
 - Whether agricultural buildings qualify for an agricultural exemption