IN THE VALUATION TRIBUNAL FOR ENGLAND
IN THE MATTER OF A 2017 RATING LIST APPEAL

Case No: CHG100175932

Sitting remotely using
Microsoft Teams on
30 June 2026

Date: 14 July 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2017 Rating List Appeal: Local Government Finance Act 1988; office and premises; assessment evidence; Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council 1976; RV was unreasonable; appeal allowed in part

Before:

MRS OO ROBSON
MRS V TUNNICLIFFE

Between:

LEARNING TECHNOLOGIES GROUP (UK) LIMITED **Appellant**

- and -

NICOLA JOHNSON
(VALUATION OFFICER) **Respondent**

Regarding:

PT GND FLR, 15 FETTER LANE, LONDON EC4A 1BR
(the "subject property")

Appearances

Luke Longley of Stiles Harold Williams Partnership LLP, for the appellant

Andrew McKillop, for the respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed-in-part. The panel found that the subject property was over-assessed and, having considered the evidence before it, determined that a rate of £550/m² is appropriate.

STATEMENT OF REASONS

Introduction

2. This appeal has been brought in respect of the following: Pt Gnd Flr 15 Fetter Lane, London EC4A 1BR was shown in the 2017 Rating List as 'office and premises'. The property was removed from the rating list during redevelopment and re-entered at £215,000 rateable value (RV) with effect from 5 November 2018.

3. The subject property is a ground floor office in a building which was constructed in 2007 and refurbished to grade A specification, with the refurbishment completed in 2017.

4. A challenge was submitted on 10 March 2020 which disputed the determination of the RV. The tone of £575/m^2 was challenged and a reduction to £450/m^2 was sought. The challenge decision upheld the rateable value and consequently, an appeal was lodged with this Tribunal. At the time of the hearing, the appellant confirmed its revised position as £485/m^2 which resulted in an RV of £181,000.

5. Both Mr McKillop, for the respondent, and Mr Longley, for the appellant, appeared in dual roles of advocate and expert witness. In view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson* (VO) [2018] UKUT 0253 (LC), Mr Longley declared that he was instructed under a conditional fee in respect of his role as expert witness and declared that he understood that his overriding duty was to the Tribunal.

6. The panel accepted the expert witness evidence on this basis as the appeal was not considered to be complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions – general) of the Procedure Regulations and was allowable due to the Tribunals' rules concerning admissibility of evidence (regulation 17(2)(a) where the Tribunal can admit evidence whether or not it would be admissible in a civil trial). The panel therefore considered the "expert" evidence and attached such weight to it as it saw fit.

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

Relevant Law

8. The issue between the parties concerned the RV of the subject property, specifically the rate per m^2 that should apply.

9. The term 'rateable value' is defined in paragraph 2(1), Schedule 6 to the Local Government Finance Act 1988 (as amended):

   "The rateable value of a non-domestic hereditament (none of which consists of domestic property and none of which is exempt from local non-domestic rating) shall be taken to be an amount equal to the rent at which it is estimated the hereditament might reasonably be expected to let from year to year on these three assumptions –

a) the first assumption is that the tenancy begins on the day by reference to which the determination is to be made;

b) the second assumption is that immediately before the tenancy begins the hereditament is in a state of reasonable repair, but excluding from this assumption any repairs which a reasonable landlord would consider uneconomic;

c) the third assumption is that the tenant undertakes to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the hereditament in a state to command the rent mentioned above."

10. The antecedent valuation date (AVD) for 2017 list rating appeals is 1 April 2015. The material day is 5 November 2018, this being the date the property re-entered the rating list following redevelopment.

Discussion

11. In reaching its decision, the panel had regard to the decision in *Lotus & Delta v Culverwell and Leicester City Council (LVC/376/1975)*. This case establishes the general approach to valuation for rating purposes, namely that the actual rent of the subject property is the primary starting point, where it is reliable, and should be considered alongside comparable rental evidence and assessments of similar properties. The weight to be given to each type of evidence depends on how closely it reflects the statutory hypothesis and the valuation date, with the valuer required to stand back and form an overall judgment having regard to all relevant evidence.

12. The subject property was let on a new ten-year lease from 1 August 2018 at an annual rent of £331,476. The appellant analysed this to approximately £525/m².

13. The appellant accepted that this evidence post-dated the AVD but submitted that rental values increased between 2015 to 2018. It was argued that the adopted tone should therefore be lower than the analysed rent. The appellant relied on post-AVD evidence, including transactions at 6 New Street Square and 90 Fetter Lane, to demonstrate that rental values increased between 2015 and 2018 and that the subject is similar or inferior to nearby properties achieving higher rents.

14. The respondent placed limited weight on the subject letting, arguing that this evidence is too remote from the AVD and submitted that greater weight should be given to comparable buildings. He referred to comparables which ranged from £450/m^2 to £575/m^2 and stated that the subject sits at the top end as it was modern and refurbished to a high standard.

15. Applying *Lotus & Delta v Culverwell*, taking the subject rent as the starting point, the panel preferred the appellant's analysis of the passing rent, which corrects the floor area and results in a lower figure than that adopted by the respondent. It was accepted that it provides a starting point. However, the panel gave it limited weight given its removal from the AVD.

16. The panel therefore considered the wider basket of evidence brought before it. All properties referred to as comparable were within the locality. In considering the comparable evidence, the panel placed particular weight on 90 Fetter Lane. Although also a post-AVD letting, it was refurbished at a similar time and represents one of the closest comparables. It achieved a higher rent than the subject in 2018, and given it was refurbished at a similar time, the panel considered that the hypothetical tenant would regard it as broadly comparable notwithstanding differences in its origin age. The property is assessed at £550/m², and the panel found no justification for the subject being assessed at a higher level.

17. The Appellant referred to additional comparable properties. However, the panel was not persuaded that these supported a reduction to the level proposed. They had been refurbished at different times and were not as comparable in that regard.

18. The panel also noted that the respondent's stated range of £450–£575/m² does not adequately explain why the subject should be positioned at the very top of that range, particularly where comparable properties achieving higher rents are assessed at lower levels. The panel found that insufficient justification has been provided for adopting the upper end of the range.

19. The burden is on the appellant to prove that the subject property is over assessed. The panel was not persuaded that the tone should be reduced to £485/m^2, however, the panel found that the adopted tone of £575/m² was excessive. The panel determined that the subject property should be more closely aligned with the tone indicated by 90 Fetter Lane. It therefore found that a tone of £550/m^2 was more appropriate. This produced n RV of £206,000 as detailed below:

Description	Area (m2)	£/m2	Value
Ground office	374.77	550	£206,124
		RV Rounded	£206,000

Determination

20. In view of the above findings and conclusions, the Tribunal is satisfied that the RV was unreasonable and found that the rate should be reduced to £550/m^2. The appeal is therefore allowed in part.

21. Under the provisions of regulations 38(4) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Tribunal for England orders the Valuation Officer to reduce the entry in the rating list in respect of the subject property to £206,000 with effect from 5 November 2018.

22. Under regulation 38(9), the Valuation Officer must comply with this order within two weeks of the date of its making.

Right of further appeal

23. 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.

24. 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/.

Mrs OO Robson, Senior Member (Chair)
Mrs V Tunnicliffe, Member
14 July 2026

Mrs C McAvoy
Clerk to the Tribunal
Date issued to the parties: 14 July 2026