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

Case No: CHG101089460

Sitting remotely using Microsoft Teams

Date: 17 November 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

Non-Domestic rating; Local Government Finance Act 1988; Rate per m^2; Lotus and Delta v Culverwell (VO) [1976] RA 141; Comparable Properties; Appeal dismissed.

Before:
MR CM TAYLOR
MR SM HOOBERMAN

Between:

VITSOE LIMITED **Appellant**

- and -

NICOLA JOHNSON (VALUATION OFFICER) **Respondent**

Regarding:
(INCL 2-4 JASONS COURT) GRD & MEZZ FLRS
21-27, MARYLEBONE LANE, LONDON W1U 2NG
(the appeal property)

David Semple of Ryan Property Tax Services UK Limited for the appellant,
Mr Khalid Abbaas for the Respondent

Hearing date: 27 October 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal was dismissed.

2. The panel found that a rate of £435/m^2 was reasonable for the appeal property giving a rateable value (RV) of £152,000 with effect from 1 April 2017.

Introduction

3. The appellant sought a reduction in the 2017 rating list RV from £152,000 to £91,000 with effect from 1 April 2017 based on reducing the rate/m^2 from £435 to £257.50.

4. A challenge was submitted on 14 July 2023 based on rental evidence from nearby comparable properties.

5. The respondent considered the challenge but found that the rating list entry was reasonable based on the evidence and information available and disagreed with the challenge.

6. The appeal property was a showroom, office and premises on Marylebone Lane close to Bond Street underground station.

7. The appellant was represented by Mr David Semple of Ryan Property Tax Services Limited who appeared as both advocate and expert witness. In view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC) he confirmed that he was instructed under a conditional fee arrangement. He declared that he understood and accepted that his duty was to the Tribunal in giving his evidence and that he would comply with this as well as the requirements of his professional body, regardless of whether or not the evidence supported the client's case.

8. The panel accepted this expert witness evidence on the above basis as the appeal was not 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 Tribunal's rules on admissibility of evidence (regulation 17(2)(a) where the Tribunal can admit evidence whether or not it would be admissible in a civil trial).

9. The panel therefore considered the expert evidence and attached such weight to it as it saw fit.

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

Relevant Law

11. Local Government Finance Act (LGFA) 1988.

12. *Lotus and Delta v Culverwell (VO)* [1976] RA 141

Discussion

13. The panel was aware that rateable value should be assessed in accordance with The Local Government Finance Act 1988 Schedule 6, paragraph 2 (1).

14. "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…..”

15. Further, in respect of an appeal against an entry in the 2017 rating list, the rental levels are to be taken as those passing at the antecedent valuation date (AVD) of 1 April 2015. The material day, the date by which physical factors have to be taken into account in respect of this appeal, was 1 April 2017.

16. The panel was also aware that the leading case law in non-domestic property valuation was *Lotus and Delta v Culverwell (VO)* [1976] RA 141 which sets out the manner by which a property should be valued. This judgment provided authoritative guidance on the weight to be attached to rental and assessment evidence. The rent on the subject property was considered to be the correct starting point and then rents and assessments on other comparable properties. All of the evidence could then be weighted.

17. The appellant’s representative had stated that there was limited rental evidence within the same valuation scheme as the appeal property as most properties were held freehold and he therefore relied on the rent on the appeal property. It was a new 10 year lease from 23 July 2019 on a stepped rent agreement which he had analysed to £289.09/m^2. After this was adjusted to the AVD by the Retail Price Index (RPI) it reduced to £257.63/m^2 which he felt supported a reduction in the rate on the appeal property. He acknowledged that the rent was 4 years after the AVD but it was so very much below the current assessment rate of £435/m^2 which suggested it was incorrect.

18. The VO’s representative did not agree with that valuation as he felt that the rent was too far from the AVD and should be given very little weight.

19. The panel found that the rent on the appeal property at four years and almost four months after the AVD was too far removed from the AVD of 1 April 2015 to be of significance in the valuation of the appeal property and reliance on it would be contrary to the authoritative and binding Lotus v Delta case. The panel found that it must consider the rents and assessments on other properties and their comparability to the appeal property for its valuation.

20. The panel noted that the appellant’s representative had submitted two properties in the same scheme as the appeal property he considered comparable, Bst & GRD Flr 58 Davies Street, London W1K 5JF and 1st Flr (excl flat) at 1-8 Davies Mews, London W1K 5AB. Both properties were previously assessed at £400/m^2 and £300/m^2 but were later reduced to £245/m^2 and £247.50/m^2 respectively with effect from 1 April 2017. He contended that 58 Davies Street was the best comparator. They were both in the same post code area of W1K 5 as the appeal property and supported a similar percentage reduction.

21. The panel also noted that the VO’s representative had submitted the property Bst, GRD & Mezz Flrs at 44 Marylebone Lane, London W1U 2DB as a useful comparable for the valuation of the appeal property. It was valued at £500/m^2. He had visited it and noticed that as it was across the road from the appeal property and they were visible to each other it was in a much more comparable locality than the appellant’s submitted properties and therefore gave a better indication of value for the appeal property.

22. The panel referred to the photographs of the three properties and found that the properties at Davies Mews and Davies Street were not similar to the appeal property. There were significant differences in terms of style, the appeal property was a more modern-looking building with a stand-out glass frontage compared to the older more Victorian style of what appeared to be converted buildings that did not look as appealing. Whilst there were no

photographs of 44 Marylebone Lane the VO's representative invited the panel to view it on Google maps.

23. The panel found that 44 Marylebone Lane was much more comparable to the appeal property than those submitted by the appellant's representative. The panel were also informed that the valuation of 44 Marylebone Lane had never been challenged and the panel found that this supported its valuation and therefore further supported the current valuation of the appeal property.

24. The panel therefore found that the best evidence that had been presented to it was that of 44 Marylebone Lane and that insufficient evidence had been presented by the appellant's representative to justify a reduction in the rate /m^2 of the appeal property.

Decision

25. In view of the above findings and conclusions, the panel found that a rate of £435/m^2 was reasonable for the appeal property giving an RV of £152,000.

26. The appeal was therefore dismissed.

Right of further appeal

27. 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) within **four weeks** of the date this decision and statement of reasons is issued.

28. 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/.

Mr CM Taylor, Senior Member (Presiding)
Mr SM Hooberman, Member

17 November 2025

Mr D Adamson
Clerk to the Tribunal
Date issued to the parties: 17 November 2025