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

Case No: CHG101090402

Sitting remotely using
Microsoft Teams

Date: 10 September 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Non-Domestic Rating Appeals; 2017 Rating List; retail shop; comparable evidence; Lotus and Delta v Culverwell (VO) & Leicester City Council [1976] RA 141; appeal allowed-in-part.

Before:
MR AMRAN HUSSAIN
MRS S PATEL

Between:

TIMPSON LTD **Appellant**

- and -

KAREN GILES
(VALUATION OFFICER) **Respondent**

Regarding:
TIMPSON, 49 SOUTHGATE, SLEAFORD, NG34 7SY
(the "appeal property")

Mr Steven Bicknell of GL Hearn Limited on behalf of the appellant
as both advocate and expert witness
Ms Hannah Bradley, on behalf of the respondent as advocate and
Ms Tracey Nicholls, on behalf of the respondent as witness of fact

Hearing date: 21 August 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is allowed-in-part.

2. The Tribunal determined that the appeal property's assessment should be reduced to £9,300 rateable value (RV) with effect from 1 April 2017

Introduction

3. This is a 2017 rating list appeal. The appeal property is a small shop located in Southgate, Sleaford, the main retail area of the town. The appellant is seeking a reduction in the current RV of £10,750, contending that the rate of £325/m^2 in terms of zone A (ITZA) is excessive.

4. The appellant submitted a challenge which the valuation officer determined to be not well-founded. A decision notice to that effect was issued on 21 November 2024. That decision was appealed to this Tribunal on 21 March 2025 under Regulation 13A of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009, the grounds being that the current valuation for the hereditament was not reasonable.

5. In order to assist the panel, the parties had agreed the basic facts before the hearing.

6. Mr Bicknell was appearing as both advocate and expert witness. He confirmed that he was employed on a contingency fee basis in connection with his role as advocate. He declared that he understood and fully accepted that his duty was to the Tribunal in giving evidence and that he would comply with this as well as the requirements of the professional body, regardless of whether or not the evidence supported his client's case.

7. The panel accepted the expert witness evidence on the above basis: the appeal was not considered complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions - general) of the Procedure Regulations. The panel determined that it was appropriate to consider the 'expert' evidence and assess what weight, if any, to give it in the context of the issue before it.

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

Background

9. The issue before the panel was the correct Zone A rate to be adopted in the valuation for the appeal property. The appellant is seeking a reduction in the rateable value to £8,000, based on a Zone A rate of £242.50/m^2.

10. The appeal property is a shop and premises on the main shopping street in the market town of Sleaford. It measures 33.3m^2 in terms of main space (ITMS). The shop is located with a run of shops from the subject (number 49) to number 67. All the shops are assessed by way of the zoning method at a rate of £325/m^2 ITZA.

11. The evidence before the panel comprised of the information disclosed and exchanged during the challenge process. The submissions included photographs of the appeal property, a location plan, rental evidence for the appeal property and neighbouring properties the parties'

skeleton arguments, a schedule of comparable assessment evidence, and a copy of the current and the proposed valuations.

Relevant Law

12. The term 'rateable value' was defined in Schedule 6 to the Local Government Finance Act 1988 (as amended). The value was required to reflect an annual rent on the property, assuming a new letting with the tenant being responsible for all rates, taxes, repairs and insurance. In respect of all entries in the 2017 rating list, the Rating Lists (Valuation Date) (England) Order 2014 (SI:2014 No.2841) requires the rental levels to be taken as at 1 April 2015, the antecedent valuation date (AVD). This common date was used to ensure that every property was treated in a consistent way.

13. The material day (the date by which physical factors have to be considered) was provided by the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 (SI 1992 No. 556) as amended. The material day in this appeal is 1 April 2017.

14. Both parties referred the panel to the Lands Tribunal judgment of *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* [1976] RA 141. This case had established six propositions, which gave clear guidance to be followed, namely:

    (1) 'Where the hereditament which is the subject of consideration is actually let that rent should be taken as the starting point.

    (2) The more closely the circumstances under which the rent agreed both as to time, subject matter and conditions relate to the statutory requirements contained in the definition of Gross Value in s.19(6) of the General Rate Act 1976 the more weight should be attached to it.

    (3) Where rents of similar properties are available, they too are to be properly looked at through the eye of the valuer in order to confirm or otherwise the level of value indicated by the actual rent of the subject property.

    (4) Assessments of other comparable properties are relevant. When a valuation list is prepared these assessments are to be taken as indicating comparative values estimated by the Valuation Officer. In subsequent proceedings on that list therefore they can properly be referred to as giving an indication of that opinion.

    (5) In light of all the evidence an opinion can then be formed of the value of the appeal hereditament, the weight to be attributed to the differing types of evidence depending on the one hand on the nature of the actual rent and on the other hand, on the degree of comparability found in other properties.

    (6) In those cases where there are no rents available of comparable properties a review of other assessments may be helpful but, in such circumstances, it would be clearly more difficult to reject the evidence of the actual rent.'

Discussion

15. The panel analysed the competing evidence with reference to the Lands Tribunal judgment in *Lotus & Delta*. The rent on the appeal property is accepted to be the correct starting point, with consideration given to how that rent accords to the terms of the statutory definition of rateable value.

16. The lease on the appeal property was subject to a renewal in August 2014 and a new ten-year lease was agreed at an annual rent of £8,000. This analyses at £240.17/m^2 in terms of zone A.

17. The panel moved on to consider the rental evidence from comparable properties. Next door to the appeal property, at number 49a, a rent was agreed on a new letting in September 2014. That rent analysed to £344.10/m^2.

18. There was one other shop in the same run which was a new let with a lease start date of 13 April 2015, just days after the AVD. Number 67, a little larger than the appeal property at 50.1m^2 ITMS, was let on a 15-year lease at a rent that analysed to £229.76.

19. There was a letting for number 53a that was reviewed in May 2015 and agreed at £14,250 per annum, which analyses to £286.72/m^2. Two rents were agreed in 2013, but the panel considered these rents to be less useful, being further from the AVD. The rent for number 53 analysed to £301/m^2 and the rent for 55-57 to £337.70/m^2.

20. Mr Bicknell gave oral evidence that Lincolnshire had seen erratic rents as a result of the economic crash, but he considered that by 2015 the situation was more stable. He stated that the national chain shops had the benefit of internal property departments which consulted with their equivalents in other organisations. This allowed them to share information and get the best deals. A sole trader, such as the occupier of number 49a, did not have this opportunity and would therefore likely not be able to negotiate as well. In his opinion this ‘tainted’ the rent for 49a and made the rent for number 67 more reliable evidence.

21. The appellant’s agent argued in addition that sole traders were often in receipt of Small Business Rates Relief and, as they did not pay business rates, they were less incentivised to challenge their rating assessment.

22. Ms Bradley had a different view, holding that the highest weight should be afforded to 49a, being an open market rent on the neighbouring property from a date less than eight months prior to the AVD. She contended that number 67 should be given less weight as it was further away; she also considered that the rent was low but was unable to provide a definite reason as to why that might be.

23. The valuation officer’s evidence submission included a schedule of comparable assessments from Southgate: this included 13 shops situated either side of the appeal property. All were assessed at £325/m^2 ITZA.

24. The appellant’s agent reiterated that the best evidence was transactional; in this case there were two rents from a few months before the AVD and one from the same month. The range of these rents was from £229.76/m^2 to £344.10/m^2. The renewal rent from May 2015 analysed to £229.76/m^2. The panel observed that of these four rents, three were below the

valuation officer's assessed rate of £325/m^2. The rent for 49a was something of an outlier, being the highest price per metre squared of the six provided rents.

25. The panel concluded therefore that £325/m^2 ITZA was excessive.

Determination

26. In view of the above findings and conclusions, the Tribunal is satisfied that the Zone A rate should be reduced to £280/m^2, resulting in a rateable value of £9,300, as shown below:

Line	Floor	Description	Area m^2/unit	£ m^2/unit	Value £
1.1	Ground	Retail Zone A	18.94	280.00	5,303
1.2	Ground	Retail Zone B	24.39	140.00	3,415
1.3	Ground	Retail Zone C	2.12	70.00	148
1.4	Ground	Internal Storage	16.40	28.00	459
			Valuation Sub-Total		9,325
			Rateable Value (rounded down)		**9,300**

27. As a consequence of the above decision, the valuation officer is ordered to reduce the 2017 Rating List entry to £9,300 RV, with effect from 1 April 2017, within two weeks of the date of this Order.

28. The appellant is also entitled to a full refund of the fee paid in accordance with regulation 13E(1)(a) of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009 (as amended). This will take approximately six weeks to process.

Right of further appeal

29. 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.

30. 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 Amran Hussain, Senior Member (Presiding)

Mrs S Patel, Senior Member

10 September 2025

Mrs D Davies
Clerk to the Tribunal
Date issued to the parties: 10 September 2025