IN THE VALUATION TRIBUNAL FOR ENGLAND
IN THE MATTER OF A 2023 RATING LIST APPEAL

Case No: CHG101095031

Sitting remotely using
Microsoft Teams

Date: 20 August 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

Rating — Local Government Finance Act 1988 — Reduction in base rate - Lotus and Delta v Culverwell (VO) [1976] RA - Comparable Properties – Appeal allowed.

Before:
MR J THOMAS
MRS F CORTESE

Between:

ADIENT SEATING UK LTD — **Appellant**

- and -

LUCY FORMELA-OSBOURNE (VALUATION OFFICER) — **Respondent**

Regarding:
UNIT 5B, WELLINGTON PARK, WELLINGTON ROAD, BURTON-ON-TRENT, STAFFORDSHIRE DE14 2TG
(the "subject property")

Matthew Iles for Ryan Property Services UK Limited for the appellant,
Mr Ben Walker for the respondent valuation officer.

Hearing date: 25 July 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal was allowed.

2. The Rateable Value (RV) of the appeal property was confirmed as £68,250 with effect from 1 April 2023 valued on a base rate of £47.95/m^2.

Introduction

3. This 2023 rating list appeal had been brought in respect of the following: the appellant was the non-domestic ratepayer of the appeal property Unit 5B, Wellington Park, Wellington Road, Burton-on-Trent, Staffordshire DE14 2TG.

4. The property had been entered in the 2023 rating list as Workshop and premises based on a rate of £50/m^2 giving an RV of £71,000 with effect from 1 April 2023.

5. A challenge proposal was submitted by the appellant's representative on 24 July 2023 to reduce the base rate to £47.95/m^2 to give an RV of £68,250.

6. The valuation officer (VO) issued a challenge decision notice on 18 September 2024 which stated that the rating list entry was reasonable based on the evidence and information available and therefore disagreed with the entry proposed in the submission.

7. The appeal property was a purpose built industrial factory unit completed in 1993 and was of steel portal frame construction with an 8 metres eaves height and a total significant area of 1,455.80m^2. It was located in an established industrial business area on the south west side of Burton-On-Trent.

8. The appellant was represented by Mr Matthew Iles 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.

9. 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).

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

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

Relevant Law

12. Local Government Finance Act 1988.
13. *Lotus and Delta v Culverwell (VO)* [1976] RA 141.

Issue

14. The issue in dispute was the RV of the appeal property.

Discussion

15. The bundle comprised all of the documents exchanged between the parties as part of the challenge process including the appellant's challenge submission, initial response to the challenge and the VO's challenge case decision notice.

16. The panel was aware that in respect of an appeal against an entry in the 2023 rating list, the rental levels are to be taken as those passing at the antecedent valuation date (AVD) of 1 April 2021. The material day, the date by which physical factors have to be taken into account in respect of this appeal was 1 April 2023.

17. The panel was 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.

18. The appellant's representative stated that the appeal property was held on a lease effective from July 2020 with a rent of £76,000 with an initial year at half-rent of £38,000. Using an ITMS of 1,421m^2 he had analysed the rent to £47.95/m^2. As this was close to the AVD this evidence should be considered the best and most relevant evidence in line with *Lotus and Delta v Culverwell (VO).*

19. The VO's representative submitted that, according to the Form of Return (FOR), the lease on the appeal property in July 2020 was actually a lease renewal for ten years. Although he had analysed the rent to £47.22/m^2, a value very close to that of the appellant's representative, he contended that as the lease was 9 months prior to the AVD and a renewal, the tenant would be able to negotiate a better rental agreement as he had been there for thirteen years.

20. He therefore placed less weight on it than the appellant's representative and contended that it would be better to look at a basket of evidence rather than simply the one piece of evidence of the appeal property rent. The appellant's representative had submitted no other evidence bar the appeal property rent

21. In support of his argument, the VO's representative submitted properties he felt were comparable to the appeal property that were valued at a rate of £50/m^2.

22. Unit A, Dallow Street was a new lease on 1 May 2021 and the rent analysed to £51.07/m^2. The appellant's representative had stated that this property had been incorrectly valued by the VO in respect of 500m^2 of hard surfaced land which should be excluded and by using a relativity of 0.4119 for the mezzanine floor rather than the usual 0.65. These factors would reduce the rental analysis to £44.86/m^2 and therefore support a reduction in the appeal property valuation.

23. The panel noted the VO's representative's comments that the value of the land was reflected in the base rate of the appeal property.

24. The panel found that the appellant's representative had not given a £/m^2 valuation for the 500m^2 area of the hard surfaced land nor a reason as to why it should be removed from the appeal property valuation and the panel therefore did not lend these adjustments much weight.

25. Ex Plastic and Timber Supplies on Derby Road was very similar in size to the appeal property and its rental of 1 July 2019 analysed to a rate of £52.57/m^2. The VO's representative stated that this supported the appeal property rate but he gave it lesser weight. The panel found that the date of the letting was nearly two years prior to the AVD, was a renewal and for these reasons afforded this evidence lower weight.

26. The rental agreement of 1 June 2020 on Unit 2A, Wetmore Road analysed to £53.69/m^2, however, the panel noted that the property was 40% smaller than the appeal property and, again, was a renewal ten months prior to the AVD. The panel therefore found that less weight could be afforded to this evidence.

27. The panel noted that there was some further disagreement between the parties in the way the mezzanine floor in Unit A had been valued and that of land in the proximity of the appeal property and the submitted comparables. However, the panel did not necessarily find this to be convincing from either party and therefore did not lend such comments much weight.

28. In summing up, the panel noted that the VO's representative had stated that there were three aspects to the valuation of £50/m^2, the appeal property rent, the basket of evidence, the comparable properties and in particular that of Unit A, Dallow Street. The appellant's representative had stated that the appeal property's rent was the strongest piece of evidence and was not undermined by the VO's submitted comparable properties.

29. The panel noted that the VO's representative had stated that the appellant's representative had only relied on the rent of the appeal property, which was a renewal, however, he had included two rent renewals in his evidence. Further, Ex Plastic and Timber Supplies had different access and storage to that of the appeal property whilst Dallow Street had a mezzanine floor.

30. For these reasons the panel found that the VO's comparable properties and the basket of evidence was not as reliable as had been made out and that, in fact, the rental on the appeal property was the best evidence and was reasonable in following the principles laid out in the Lotus case.

Decision

31. The panel therefore found that the base rate for the appeal property was excessive and it was reasonable to reduce it to £47.95/m^2 thereby reducing the RV to £68,250. The appeal was therefore allowed.

Rateable Value Valuation, base rate £48.75/m^2			
Description	Area m^2/unit	£ per m^2/unit	Value
Ground floor office	12.37	£56.10	£694
Ground floor staff toilets	3.59	£46.75	£168
Ground floor warehouse	1,439.84	£46.75	£67,313
Storage container	16.59	£80.47	£80

		Total value	£68,254
		Rateable value (rounded down)	**£68,250**
		With effect from 1 April 2023.	

Order

32. The Tribunal orders, pursuant to Regulation 38 of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, that the Valuation Officer, within two weeks of the date of this order, shall reduce the rateable value in the 2023 list in respect of Unit 5B, Wellington Park, Wellington Road, Burton-on-Trent, Staffordshire DE14 2TG to £68,250 valued on a base rate of £47.95/m^2 with effect from 1 April 2023.

33. A refund of the paid fee will now be arranged (Regulation 13E of the Non-Domestic Rating (Alteration of Lists & Appeals) (England) Regulations 2009. Provided there is no review of the Tribunal's decision the refund will take around six weeks to process.

Right of further appeal

34. 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.

35. 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 J Thomas, Senior Member (Presiding)

Mrs F Cortese, Senior Member

20 August 2025

Mr D Adamson
Clerk to the Tribunal
Date issued to the parties: 20 August 2025