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

Case No: CHG101097583

Sitting remotely using Microsoft Teams

Date: 5 August 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Non-Domestic Rating Appeals; 2023 Rating List; comparable evidence; Lotus and Delta v Culverwell (VO) & Leicester City Council [1976] RA 141; appeal allowed in part.

Before:
MR A HUSSAIN
MR D HOGG

Between:

MASSTOCK (ARABLE) UK LTD — **Appellant**

- and -

KAREN GILES
(VALUATION OFFICER) — **Respondent**

Regarding:
AGRII, ASPERTON ROAD, WIGTOFT, BOSTON, PE20 2PJ
(the “subject property”)

Mr Thomas Hogg of Ryan Property Tax Services UK Ltd on behalf of the appellant as both advocate and expert witness
Ms Katherine Cockhill, on behalf of the respondent as both advocate and expert witness

Hearing date: 18 July 2025 10:00

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 £30,250 rateable value (RV) with effect from 1 April 2023

Introduction

3. This is a 2023 rating list appeal. The subject property is a warehouse and premises, RV £31,000. The appellant was seeking a reduction in the RV to £27,250, based on an unadjusted rate of £22 per square metre.

4. The valuation officer determined the challenge to be not well-founded and so the appellant appealed to this Tribunal 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 is not reasonable.

5. Mr Hogg was appearing on behalf of the appellant as advocate and expert witness. He confirmed that his company was employed on a contingency fee basis. The representatives declared that they understood and fully accepted that their duty was to the Tribunal in giving evidence and that they would comply with this as well as the requirements of the professional body, regardless of whether or not the evidence supported the client's case.

6. 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.

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

Background

8. The subject property is a 1970s built warehouse measuring 1,182m^2 (rounded). It is located on the outskirts of Wigtoft, a rural area, and it is in scheme 611030, for properties built between 1965 and 1979.

9. Mr Hogg sought a reduction in the unadjusted rate (UAR) from £25.41/m^2 to £18.05/m^2. He subsequently revised the latter figure to £22/m^2.

10. The appellant's representative noted that the UAR had increased by 41% from the 2017 list; he argued that such an increase was not supported by rental evidence from the local area.

11. He made reference to recent agreements reached on comparable properties, such as Ripe Now in Boston, which was agreed at £20/m^2 from £23/m^2.

12. The challenge was submitted on 13 June 2023 and completed on 1 November 2024, resulting in this appeal, registered on 21 November 2024.

Relevant Law

13. The term ‘rateable value’ was defined in Schedule 6 to the Local Government Finance Act 1988 (“the Act”) (as amended). The rateable value of non-domestic property 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.

14. 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, in accordance with the Rating Lists (Valuation Date) (England) Order 2020 (SI 2020 No. 832). This common date was used to ensure that every property was treated in a consistent way. For this appeal, the material day is 1 April 2023.

Discussion

15. The panel analysed the competing evidence with reference to the findings in Lotus & Delta v Culverwell (VO) and Leicester City Council [1976] RA141, which was included in the evidence documents. The Lands Tribunal judgment provided authoritative guidance on the weight to be attached to rental and assessment evidence. This case had established six propositions that gave clear guidance to be followed when assessing rateable value. Bearing these six propositions in mind, the panel acknowledged that the rent on the appeal property is accepted to be the correct starting point, with consideration given to how that rent relates to the terms of the statutory definition of rateable value. There was no such evidence available in this case and so the panel considered rental evidence for comparable properties.

16. Mr Hogg stated that his preferred comparable properties were located on Fen Road. Units 1 and 3 had rents agreed in June 2019 and December 2019 respectively. Unit 1 is larger than the subject property, measuring 1,558m^2. He analysed the rent of £30,000 pa to £18.77/m^2, against a UAR of £24/m^2. Unit 3 is smaller, measuring 817m^2. That rent was analysed to £18.08/m^2 and the UAR is £26/m^2.

17. The valuation officer contended that, as the above rents were agreed two years prior to the AVD, they should be given lower weight. Unit 5 Fen Road was smaller again, at 470m^2. The rent on that property was agreed in December 2021, roughly eight months post AVD. The valuation officer analysed the rent to £29.69, and the UAR is £28/m^2. Mr Hogg argued that the panel should consider the rents jointly, noting that the average of the three equated to £22.18/m^2.

18. The panel asked the appellant’s representative if he could offer an explanation as to why the analysed rents for units 1 and 3 are so much lower than the respective UARs but he was unable to say what he thought the correct rate should be, commenting that the rateable values had not been challenged.

19. Mr Hogg had identified two other comparable properties, both of which were notably larger than the subject property. Intergreen House measures 4,070m^2 and has a rateable value of £137,000, based on a UAR of £23/m^2. The rent of £110,400 was agreed in July 2019, equating to £18.42/m^2. The rent for Ripe Now was set in October 2018. Mr Hogg analysed the £27,500 headline rent to £9.68/m^2. The panel noted that this rent was something of an outlier.

20. The valuation officer's representative considered that neither of these rents should be accorded weight because they were for properties which were larger than the subject property, and had been agreed two or more years pre AVD. She contended that the recently agreed rate of £20/m^2 supported the rate of £25/m^2 for the smaller subject property.

21. In addition to 5 Fen Road the valuation officer had also provided details of the analysed rents for Freshlinc and Boston Seeds, both of which were larger than the subject property at 3,326m^2 and 3,584m^2 respectively. The rents had been agreed on new leases with effect from 1 May 2021, close to the AVD. Boston Seeds was analysed to £25.75/m^2 and Freshlinc Ltd to £24.44/m^2. Mr Hogg contended that Freshlinc was a larger, newer building and the rent reflected that. The panel was of the opinion that the rents closer to the AVD carried more weight, but it noted that the subject property was smaller.

22. The panel questioned the respondent's representative about the rental evidence, and the fact that it included buildings of different ages. She noted that buildings in rural locations were often in use on an owner/occupier basis which made it challenging to gather rental evidence on exactly comparable properties. She confirmed that the rents would be adjusted to reflect age and rurality and stated that it was necessary to use valuer judgement in such situations.

23. The appellant's representative brought what he described 'a noticeable discrepancy' to the attention of the panel. He compared the UARs of the subject property and Ripe Now for each Rating List from 2010. In 2010 there was a difference of £2 between the two. This dropped to £1.05 in 2017 and, following the recent agreement on Ripe Now, rose to £5.41 in the 2023 list. He considered that the appeal property should benefit from the same £3 reduction as had been agreed on the larger units.

24. Mr Hogg contended that his suggested rate of £22/m^2 aligned with the historic differential and was the average of the three Fen Road assessments.

25. The panel considered the whole basket of evidence. The properties were of different ages and sizes which made direct comparison difficult. However, it was satisfied that the unadjusted rate of £25.41 was just at the upper end of the range of values on a property that was older than some of the comparable properties.

Determination

26. In view of the above findings and conclusions, the Tribunal is satisfied that the unadjusted rate should be reduced to £24.75, resulting in a rateable value of £30,250. The revised valuation is shown below.

27. As a consequence of the above decision, the valuation officer is ordered to reduce the 2023 Rating List entry to £30,250 RV, with effect from 1 April 2023, 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.

29. Revised Valuation:

Line	Floor	Description	Area m^2/unit	Relativity	£ m^2/unit	Value £
1	Ground	Workshop	752.08	0.975	24.13	18,149
2	Ground	Office	192.46	1.128	27.92	5,373
3	Mezzanine	Internal Storage	158.72	0.488	12.08	1,917
4	Ground	Portable building	78.54	0.731	18.10	1,421
		Sub-Total	**1181.80**			**26,860**
ADDITIONAL ITEMS						
		Hard Surfaced Fenced Land	297		2.00	594
		Rough Surfaced Fenced Land	1357		1.50	2,036
		Storage Container	14.90		15.00	223
		Sub-total				**2,853**
		Carparking spaces	10		0	0
		Plant & Machinery				713
		VALUATION TOTAL				**30,426**
		RATEABLE VALUE (rounded down)				**30,250**

Right of further appeal

30. 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.

31. 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)

Mr D Hogg, Senior Member

5 August 2025

Mrs D Davies
Clerk to the Tribunal
Date issued to the parties: 5 August 2025