



VALUATION TRIBUNAL FOR ENGLAND

2023 Rating List Appeal appeal: Local Government Finance Act 1988; price per m² to be adopted, rental evidence, tonal – revised valuation due to removal of mezzanine floor; appeal allowed in part

APPEAL NUMBER: CHG101102385

RE: Unit 3 Queens Court Fletchers Way, Mansfield, NG19 0FNN
(the “subject property”)

BETWEEN:	Schoolblazer Limited	Appellant
	and	
	(Valuation Officer)	Respondent

SITTING: *remotely using Microsoft Teams*

ON: Friday 10 January 2025

BEFORE: Mrs B Dhoofer-Sagoo (Presiding Senior Member)
Mr E J Barnett (Senior Member)

CLERK: Mr A Jolly

APPEARANCES: Mr H Pitt of Ryan Property Tax Services UK Limited representing
the appellant
Ms I Camidge representing the respondent

DECISION AND STATEMENT OF REASONS

Correction of error

The VTE may at any time correct any clerical mistake or other accidental slip or omission in a decision, direction, order or any document produced by it, by—

(a) sending notification of the amended decision, direction or order, or a copy of the amended document, to all parties; and

(b) making any necessary amendment to any information published in relation to the decision, direction, order or document.

Decision

1. The appeal is allowed in part. The panel confirm the respondent's revised valuation of £44,500 with effect from 1 April 2023 based on a price per m² of £48.

Introduction

2. This appeal has been brought in respect of the following: an appeal was lodged by Ryan Property Tax Services UK Limited on behalf of the occupier Schoolblazer Limited on 22 August 2024 against the Valuation Officer's decision of 24 July 2024.
3. This statement of reasons is not and does not purport to be a full verbatim record of the proceedings.
4. Mr Pitt appeared on behalf of the appellant 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), Mr Pitt's declaration of truth included a statement that he was instructed under any conditional fee arrangement.
5. Mr Pitt declared that he understood and accepted that his duty was to the Tribunal in giving his evidence and 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.
6. 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).
7. The panel therefore considered the "expert" evidence and attached such weight to it as it saw fit.
8. Ms Camidge was appearing on behalf of the respondent in the dual role of advocate and expert witness.
9. This statement of reasons is not and does not purport to be a full verbatim record of the proceedings.

Issue

10. The issue before the panel concerned the price per m² that should be adopted with effect from 1 April 2023. The appellant's representative sought a reduction from RV £44,750, based on a price of £48 per m², to RV £40,750 based on a price per m² of £44. The respondent was seeking a reduction in the RV to £44,500 due to the mezzanine floor no longer in existence.
11. The subject property was a workshop and premises with an agreed area of 947.40 m². It was constructed in 2006 and was located on industrial estate in Mansfield benefitting from good transport links.

Preliminary Issue

12. The respondent provided additional evidence which included recent marketing details of the subject property and her revised valuation due to the removal of a mezzanine floor. The

appellant raised no objection to the inclusion and provided another set of marketing details and his revised valuation having regards to the removal of the mezzanine floor. The panel, there being no objection to the new evidence, admitted that evidence.

Decision and reasons

13. Mr Pitt stated that the starting point was the passing rent on the subject property in accordance with *Lotus and Delta v Culverwell (Valuation Officer) and Leicester City Council* [1976] RA 141. He stated that the rent commenced in May 2020 over five years on a stepped rent basis which he analysed to £44.10 per m² and the respondent had analysed it to £44.19 per m². He did not believe there to have been rental growth between 2020 and the antecedent valuation date (AVD) which was during the Covid 19 pandemic, and the country was experiencing Government based lock-down. He considered this rent supported his contention for a reduction to £44 per m².
14. Mr Pitt referred to the respondent's rental evidence and provided reasons why he considered the rental evidence should not be given much weight. These reasons included lease renewals being agreed after the AVD; differences in size, rent reviews being index linked and not based on open market rental values, rental levels being historically higher than the subject property, different types of hereditaments and that on one the rent was to cover mortgage costs and therefore not an open market rent.
15. Mr Pitt referred to the marketing details and stated that these were after the AVD and in his opinion values rose after the AVD but that those factors would be for future rating lists and not the 2023 rating list. He stated that whilst marketed for £70,000 per annum in 2024 it had not been let.
16. Ms Camidge stated that she had inspected the property and had found that the mezzanine floor had been removed and therefore she had revised her valuation from £44,750 to £44,500 with effect from 1 April 2024 which she considered was reasonable.
17. Ms Camidge stated that the rent on the subject property was nearly a year before the AVD and in her opinion the rental market was growing and therefore, whilst the rent analysed to £44.19 per m², it would have been higher in April 2021. This, she considered was evidenced by the later marketing details of the subject property and also the rental evidence.
18. In support of her contention that £48 per m² was correct Ms Camidge provided rental evidence of properties in the locality. She analysed these rents to between £46.54 per m² and £122.37 per m². She accepted that the rent for Unit 1 Spitfire House was between connected parties and therefore low weight was given to this rent. However, she considered the other rental evidence fully supports the price of £48 per m² being adopted.
19. The panel noted the rent on the subject property analysed to £44 per m². This rent in isolation would support a reduction but this rent commenced in May 2020, 11 months before the AVD, and therefore the panel had to consider whether the same value would have applied at 1 April 2021. It therefore considered other rental evidence within the locality.
20. The panel disregarded the rent for Unit 1 Spitfire House as this was between connected parties and the rent was set at a level to cover mortgage costs. In considering the other rents the panel noted the appellant's representative's comments regarding size and other factors but had not been persuaded that quantum applied in this instance.

21. The panel considered the best evidence was Unit 2 Queens Court, a neighbouring property, which July 2021 rent analysed to £55.45 per m² and Unit 4A Hamilton Way which May 2021 rent analysed to £63.58 per m².
22. From the evidence presented the panel had not been persuaded by the appellant's representative that £48 per m² was unreasonable. However, due to a change in the agreed areas a reduction in the RV was required. The panel therefore allowed the appeal in part and confirmed RV £44,500 with effect from 1 April 2023.

Valuation

Floor	Description	Area m ²	£ per m ²	value (£)
ground	workshop	878.52	£ 46.80	£ 41,114.74
ground	offices	55.62	£ 52.80	£ 2,936.74
ground	staff toilets	10.68	£ 48.00	£ 512.64
				£ 44,564.11
			say RV	£ 44,500.00

Order

23. As a consequence of the above decision, the Valuation Officer is ordered to reduce the 2023 Rating List entry to £44,500 with effect from 1 April 2023 within two weeks of the date of this order.

Refund of appeal fee

24. As the ground of the appeal has been made out, the appeal fee is to be refunded in full. This will take approximately six weeks to process.

Date issued to parties: 27 January 2025

Right of further appeal

Any party who is aggrieved by the Tribunal's decision, and who appeared or was represented at the hearing, has the right of appeal to the Upper Tribunal (Lands Chamber). Any such appeal should be made within four weeks of the date of this decision notice.