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

Case No: CHG101113745

Sitting remotely using Microsoft Teams

Date: 14 August 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988; warehouse and premises; appeal against the accuracy of the rateable value of the hereditament; appeal allowed-in-part.

Before:
MR B PROUDFOOT
MR C M TAYLOR

Between:

AIR SEA LOGISTICS LIMITED — **Appellant**

- and -

ANDREW MOULAND (VALUATION OFFICER) — **Respondent**

Regarding:
UNIT 15, BRITANNIA INDUSTRIAL ESTATE, POYLE ROAD, SLOUGH, SL3 0EL
(the "subject property")

Mr H Seabrook (instructed by Ryan Property Tax Services UK Limited) for the **Appellant**
Mr K Chamba for the **Respondent**

Hearing date: 30 July 2025

DECISION AND STATEMENT OF REASONS

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Decision

1. The appeal is allowed-in-part.

2. The Tribunal panel determined a revised rateable value (RV) of £47,000 in respect of Unit 15, Britannia Industrial Estate, Poyle Road, Slough SL3 0EL with effect from 1 April 2023.

Introduction

3. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appeal has been made to this Tribunal on the grounds that the rateable value (RV) for the appeal property is not reasonable.

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

Background

5. The subject property is a two-storey warehouse, comprising of brick elevations to the ground floor and profiled metal cladding to the upper elevations. The area in terms of main space (ITMS) was 373.37m^2. The property was constructed in 1982, it includes roller shutter access and benefits from eaves height of 6.10 metres.

6. The RV for the hereditament with effect from 1 April 2023 was £54,000 which was based on an unadjusted rate of £145/m^2.

7. In the proposal, the Appellant's representative initially sought a reduction to £41,750 RV, based on an unadjusted rate of £110/m^2. Following the challenge, the representative revised this figure and was now seeking a reduction to £44,750 RV, based on an unadjusted rate of £120/m^2.

8. The evidence submission before the panel comprised all the evidence disclosed and exchanged during challenge which included comparable rental evidence and its analysis, and photographs.

9. Mr Seabrook appeared on behalf of the Appellant as both advocate and expert witness. He stated that his company was being paid on a contingency fee basis but was aware that in giving expert evidence his responsibility was to the Tribunal. He informed the panel that he was representing the Appellant, however he had not compiled the evidence submission.

10. The panel accepted this expert witness evidence on the above basis, as 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 in England). The panel therefore considered the "expert" evidence and attached such weight to it as it saw fit.

11. Mr Chamba for the Valuation Officer, also appeared in the role of advocate and expert witness.

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 responsible for all rates, taxes, repairs and insurance. In respect of the 2023 rating list, the Rating Lists (Valuation Date) (England) Order 2020 (SI 2020 No.832) requires the rental levels to be taken on 1 April 2021. In respect of the subject appeal, the material day is 1 April 2023.

Discussion

13. In the case under consideration, the panel analysed the competing evidence having regard to the authoritative guidance in *Lotus & Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141.

14. The starting point for consideration was the actual rent passing on the appeal hereditament. The Appellant had referred to a lease renewal, with the agreed rent of £71,085 being effective from January 2023. He considered that this was too far removed from the antecedent valuation date (AVD) to offer any definitive guidance, and did not consider this to be the best evidence.

15. According to the Valuation Officer’s form of return (FOR) records, the subject property was let on a new five-year lease commencing in January 2018 at an annual rent of £56,868, which included a three-month rent-free incentive. The Valuation Officer stated that this rent devalued to £144.71/m^2. Upon lease renewal in January 2023, the rent increased to £71,085 with a six-month rent-free period, equating to a devaluation of £183.74/m^2. In his view, the hereditament was already underassessed as the 2018 rental level aligned with the prevailing values reflected in the 2023 rating list.

16. In terms of indirect rental evidence, Mr Seabrook identified Unit 9, Britannia Industrial Estate as the most reliable comparator. He stated that this neighbouring unit was identical and was closely matched in size at 381.39m^2. The lease was agreed on the open market and commenced on 1 November 2020, five months prior to the AVD. It was a ten-year lease with rent reviews at the five-year mark and a tenant break option also after year five. The lease included a six-month rent-free period, and the headline rent was £47,663, which Mr Seabrook analysed to £110.36/m^2.

17. During the hearing, Mr Chamba stated that following an appeal concerning another unit within Britannia Industrial Estate, the estate had undergone inspection and review. Updated plans and floor areas were agreed upon with the unit occupiers, and a revised rental analysis was established between the parties based on this new information. The panel expressed disappointment that this updated rental analysis had not been submitted to the Tribunal prior to the hearing. Mr Seabrook acknowledged the communication between Mr Chamba and his colleague, and confirmed he had no objection to the inclusion of the revised figures. The panel noted that it was the updated rental analysis which prompted the Appellant’s representative to revise the unadjusted rate sought from £110/m^2 to £120/m^2.

18. Mr Chamba stated that both parties had agreed the rent for Unit 9, which analysed to £121/m^2 based on an area of 376m^2. He stated that the occupier had installed a mezzanine and air conditioning, and that the property required works at the time of initial occupation. He argued that the rent did not reflect the true value at the time of occupation and was unreliable, as it had been agreed during the Covid-19 period. He further pointed out that the

2020 rent for Unit 9 was lower than the rent for the subject property in 2018, which, in his view, indicated that the rent was below market value.

19. Mr Seabrook argued that even when disregarding the rent-free period and incentives associated with Unit 9, the analysed rent remained below the unadjusted rate of £145/m^2. He calculated that, based on an area of 376m^2 and a rent of £47,663, the resulting rate was analysed to £126/m^2.

20. The Valuation Officer considered the rent for Unit 13 to be more reliable. A lease renewal had taken place, with a rent of £51,122 effective from 1 January 2021, which devalued to £173/m^2 based on an area of 273m^2. The lease included no incentives, rent-free period, or break clause. Mr Chamba acknowledged the smaller size of the unit and stated that, across the estate, smaller units were typically valued at around £160/m^2, while larger units ranged between £140/m^2 and £145/m^2. He believed this supported both the valuation of smaller units and the rate applied to the subject property.

21. In respect of the rent for Unit 13, Mr Seabrook considered low weight should be given to this property because it was a lease renewal for a smaller property, which had also been agreed during the Covid-19 period.

22. No comparable assessment evidence was relied upon by the parties.

23. Having considered all the evidence, the panel found the rental evidence for Unit 9, Britannia Industrial Estate more persuasive, as it involved a new lease for a similarly sized unit and was agreed close to the AVD. However, the panel recognised that adjustments were necessary to account for lease incentives, which did not align with the rating hypothesis. Consequently, it concluded that a rate of £126/m^2 was more appropriate.

Determination

24. In view of the above findings and conclusions, the Tribunal panel determined that the RV in respect of the subject hereditament was unreasonable, and that an unadjusted rate of £126/m^2 more accurately reflected the appeal property. The panel calculated the revised valuations as shown below. The Appellant’s representative had been seeking a revised RV of £44,750, however the revised figure of £47,000 RV was calculated based on the revised unadjusted rate.

Hereditament Address					
Unit 15, Britannia Industrial Estate, Poyle Road, Slough SL3 0EL					
Ref	**Floor**	**Description**	**Area (m^2)**	**Price (£/m^2)**	**Value (£)**
1	Ground	Warehouse	212.80	£122.85	£26,142
2	Ground	Office	36.00	£147.42	£5,307
3	Ground	Office	32.48	£135.19	£4,391
4	Ground	Canopy	33.48	£30.74	£1,029
5	First	Office	69.02	£147.42	£10,175
	Adjustments				
	None				
				Total Value	£47,044
				Rateable Value	£47,000
				Effective Date	1 April 2023

25. As a consequence of the above decision, the Tribunal panel orders the Valuation Officer to reduce the 2023 Rating List entry in respect of Unit 15, Britannia Industrial Estate, Poyle Road, Slough, SL3 0EL to £47,000 RV with effect from 1 April 2023. The Valuation Officer must comply with this Order within two weeks of the date of its making.

26. The Appellant is entitled to a full refund of the fee paid in respect of the subject hereditament in accordance with regulation 13E(a)(a) of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009 (as amended).

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 B Proudfoot, Senior Member (Presiding)

Mr C M Taylor, Senior Member

14 August 2025

Mrs K Edhouse-Thomas
Clerk to the Tribunal
Date issued to the parties: 14 August 2025