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

Case No: CHG101143370

Sitting remotely using Microsoft Teams

Date: 22 September 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2017 Rating List Appeal; Local Government Finance Act 1988; offices and premises; price per m² adopted; weighting of evidence; Lotus and Delta v Culverwell (VO) & Leicester City Council [1976] RA 141; appeal allowed.

Before:
MS T BLADES
PROF P CATTERALL

Between:

ADYEN UK LTD **Appellant**

- and -

NICOLA JOHNSON (VALUATION OFFICER) **Respondent**

Regarding:
2 ND-5TH FLOORS 12-13, WELLS MEWS, LONDON W1T 3HE
(the "subject property")

Mr M Parvin from Ryan Property Tax Services UK Limited for the Appellant
Mr A Ngwube for the Respondent

Hearing date: 27 August 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is allowed.

2. The Tribunal held that the Rateable Value (RV) for 2nd-5th Floors 12-13, Wells Mews, London W1T 3HE (hereafter, known as the subject property) should be reduced to £780,000 with effect from 15 May 2022.

Introduction

3. This was a 2017 Rating List appeal. The assessment of the subject property was entered into the 2017 Rating List at £845,000 RV with effect from 15 May 2022 and was described as office and premises.

4. A Check had been submitted on 21 September 2023 and completed on 25 September 2023. A Challenge had been submitted on 12 October 2023 and the challenge completed on 21 January 2025. An appeal was received by the Tribunal on 14 March 2025, made on the grounds that the unadjusted rate applied was incorrect and excessive as the subject property's RV was not in line with assessments on comparable properties provided in the locality.

5. Both Mr Parvin for the Appellant and Mr Ngwube for the Respondent 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), Mr Parvin's stated that he was instructed on a conditional fee arrangement.

6. Mr Parvin also 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.

7. 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).

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

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

Background

10. The subject property was originally a former NCP car park, which has since been redeveloped into six floors of Grade A office accommodation. The net internal area (NIA) of the property was agreed at 1,298.51 m². The appellant occupied the second to fifth floors of the building.

11. The VO had applied an unadjusted rate of £650 per m² to the assessment of the subject property, which had resulted in an RV of £845,000 RV with effect from 15 May 2022.

12. Mr Parvin considered that the correct unadjusted rate to be applied to the subject property's assessment should be £600 per m², which would result in a revised RV of £780,000 with effect from 15 May 2022.

Preliminary issue

13. At the hearing, Mr Ngwube explained that an incorrect template had been used for this appeal. Specifically, the Decision Notice had been issued using the 2023 Rating List decision template, which was an error. He further clarified that the Decision Notice incorrectly stated the Challenge completion date as 23 October 2025, whereas the correct date should have been 21 January 2025.

Relevant Law

14. The term 'rateable value' is defined in paragraph 2(1), Schedule 6 to the Local Government Finance Act 1988 (as amended):

> "The rateable value of a non-domestic hereditament (none of which consists of domestic property and none of which is exempt from local non-domestic rating) shall be taken to be an amount equal to the rent at which it is estimated the hereditament might reasonably be expected to let from year to year on various assumptions.

15. In respect of an appeal against an entry in the 2017 rating list, the rental levels are to be taken as those passing at the antecedent valuation date (AVD) of 1 April 2015, in accordance with the Rating Lists (Valuation Date) (England) Order 2014 (SI 2014 No. 2841).

16. In accordance with the Rating Lists (Valuation Date) (England) Order 2014 (SI 2014 No. 2841), the date of the hypothetical rent was 1 April 2015 (the AVD). This common date was used to ensure that every property was treated in a consistent way. When assessing the RV of any hereditament, rating law also requires that it must be assumed to be 'vacant and to let', and in the state set out in Schedule 6 of paragraph 2(7) of the Act, in relation to both its physical nature and mode or category of use.

17. For this appeal, matters that affect the physical state or enjoyment of the property and locality were to be taken as at the material day, which was 15 May 2022, the date the subject property entered the 2017 Rating List, with the Antecedent Valuation Date (AVD) being 1 April 2015.

18. The judgment of *Lotus and Delta v Culverwell (VO)* [1976] RA 141 was referred to during the hearing.

Discussion

19. Both parties had referred *to Lotus and Delta v Culverwell*. This Lands Tribunal 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 but, where available, rents on similar properties were also to be taken into account. The assessments on other comparable properties may also be relevant. All of the evidence could then be weighted.

20. The panel was advised that the subject property was held under a lease that commenced in 2023, too far removed from the AVD of 1 April 2015 to be of assistance. As a result, neither

party placed any weight on the rental details. However, the panel noted that no rental evidence had been submitted in relation to any comparable properties. Instead, both parties relied on the established tone of values for comparable properties within the local area to support their respective cases.

21. Mr Parvin stated that the subject property was situated in a back-alley mews location, specifically Wells Mews in Fitzrovia, positioned behind surrounding buildings, universities, retail units, and restaurants. In contrast, the comparable property at 55 Wells Street, submitted by Mr Ngwube, was located on a main road and had more footfall, more visibility than where the subject property was located. Although close in proximity to the subject property, 55 Wells Street was considered to occupy a superior location compared to Wells Mews.

22. Mr Parvin further stated that 55 Wells Street featured a large, impressive reception area and benefited from good natural light across all floors. In his view, these attributes made it superior to the subject property.

23. In support of his argument that the subject property's unadjusted rate of £650 per m² was excessive, Mr Parvin referred the panel to a comparable property located at Ground to Second Floors, 29–35 Rathbone Street, London, W1T 1NJ. This property had been refurbished behind its existing façade in 2021, similar to the subject property, and shared comparable design features, including a rustic, industrial aesthetic with exposed brick walls. The panel noted that an unadjusted rate of £600 per m² had been applied to this comparable within the 2017 Rating List.

24. Mr Parvin informed the panel that an unadjusted rate of £725 per m² had been applied to the subject property within the 2023 Rating List. In comparison, the comparable property at 55 Wells Street had an unadjusted rate of £775 per m². He argued that this supported his view that the Valuation Officer considered Wells Mews to be a less favourable location than Wells Street.

25. Mr Ngwube informed the panel that 55 Wells Street had been assessed using the same valuation matrix as the subject property, resulting in a rate of £650 per m². In contrast, 29–35 Rathbone Street was assessed using a different matrix, which accounted for its lower valuation. Consequently, Mr Ngwube concluded that Rathbone Street was not a suitable comparable for the subject property.

26. Mr Ngwube was of the opinion that no rental evidence had been provided to support a reduction in the unadjusted rate that has been applied to the subject property’s assessment. He stated that the main body of the case was that the subject property was not of a modern design. He explained that while the subject property was not of a modern design, it did feature a more contemporary style. It included office space, a spacious reception area, bicycle parking, and ground-floor shower facilities.

27. Neither party was familiar with the appeal property’s immediate locality, so the panel member made the parties aware in open tribunal that she knew the area very well. As a corollary, whenever the need arose, she shared her knowledge for the benefit of the parties, so they had the opportunity to comment on it.

28. The panel carefully considered the evidence and arguments presented by both parties. It concluded that the subject property was of inferior quality in comparison to the examples provided.

29. Although no rental evidence was available, the panel noted that in the absence of such data, reliance on tone is appropriate, as referenced in the *Lotus and Delta* decisions. Given the subject property's less desirable location and lower quality relative to the comparable on Wells Street and its similarity in quality to the property on Rathbone Street, the panel found that a reduced valuation of £600 per m² was justified.

30. While each rating list must be considered independently, the panel acknowledged Mr Ngwube’s acceptance of a £50 difference in tone between Wells Street and Wells Mews in the 2023 list. It also noted that there were no other office properties within Wells Mews, which further supported the distinction in value.

Determination

31. In view of the above findings and conclusions, the Tribunal found that the evidence provided by Mr Parvin supported a lower valuation, indicating a clear difference in value. Given the limited available evidence and Mr Ngwube’s concession that Wells Street, and Wells Mews differed in value and quality, the panel found that the subject property’s location and condition aligned more closely with Rathbone Street. Accordingly, the panel allowed the appeal

32. Accordingly, we order the Valuation Officer to reduce the 2017 Rating List entry for 2nd-5th Floors 12-13, Wells Mews, London W1T 3HE to £780,000 with effect from 15 May 2022. within two weeks of the date of this order.

Refund of appeal fee

33. 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).

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/.

Ms T Blades, Senior Member (Presiding)

Prof P Catterall, Member

22 September 2025

Clerk to the Tribunal: Ms R Muller
Date issued to the parties: 22 September 2025