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

Case No: CHG101147943

Sitting remotely using Microsoft Teams

Date: 4 November 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — factory — rental evidence on a new letting in respect of a comparable property close to the antecedent valuation date was preferred by the panel — appeal dismissed

Before:
MR A RAMSAY
MISS S BALLENTINE

Between:

PHYSICAL COMPANY LIMITED Appellant

- and -

ANDREW MOULAND (VALUATION OFFICER) Respondent

Regarding:
THE WORKS, WYCOMBE ROAD, HIGH WYCOMBE, HP14 3RR
(the "appeal property")

Mr A Hair (Ryan) for the appellant
Mrs P Rowntree for the respondent

Hearing date: 7 October 2025

DECISION AND STATEMENT OF REASONS

Decision

1. Appeal dismissed. No change was made to the rateable value (RV) of the property.

Introduction

2. The appeal property was entered in the 2023 rating list as “factory and premises” at RV £131,000 effective from 1 April 2023. In the appellant’s proposal, a reduction to RV £90,000 was sought from the same date. The valuation officer (VO) decided to make no change to the rating list.

3. The appeal to the tribunal was then made on the grounds that the valuation for the appeal property was not reasonable. This was made in accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009. It sought RV £94,500 from 1 April 2023.

4. Both Mr Hair and Mrs Rowntree appeared in a dual role of advocate and expert witness for the appellant and respondent, respectively. Both representatives confirmed that their primary duty was to the tribunal. In the case of Mr Hair, he stated he was engaged on a conditional fee basis.

5. The dual role is allowable in this tribunal’s proceedings having regard to procedure regulations[1] and rules regarding admissibility of evidence[2]. However, it was necessary to consider the “expert” evidence and assess what weight, if any, to give it in the context of the matters in issue.

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

Relevant law

7. 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 being responsible for all rates, taxes, repairs and insurance. In respect of all entries in the 2023 rating list, the rental levels are to be taken on 1 April 2021, the antecedent valuation date (AVD).

8. Under regulation 3 of the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 (as amended), the material day to consider the appeal property was 1 April 2023.

[1] Regulation 3 (Discharge of VTE functions – general) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009.
[2] Regulation 17(2)(a) (Evidence and submissions) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009.

Discussion

9. The appeal property is a two-storey unit comprising mixed industrial and office space that has been refurbished and extended at various times since the 1980s. The total area is 2,570.77m^2 (or 2,003.12m^2 in terms of main space (ITMS)). There are 14 car parking spaces. It is located on the A40 at Stokenchurch.

10. The issue in dispute is the unadjusted price per square metre. The appellant sought a reduction from £72.94/m^2 to £52.50/m^2.

11. There is a rent in respect of the appeal property from a 10-year 2016 lease, which had seen no increases on rent reviews in 2018 and 2022. The rent devalued to £55.74/m^2. However, the panel was cautious about giving this evidence any significant weight because the landlord and tenant were connected.

12. The panel found that the best rental evidence available was in respect of BUFAB UK Ltd, Lincoln Road, High Wycombe which was a warehouse of 2,090.24m^2 (or 2,046.44m^2 ITMS). It was a new letting from 1 October 2020 and the rent devalued to £82.79/m^2. It was six months from the AVD.

13. The appellant's representative argued that BUFAB was a special purchaser because they had taken up more and more commercial local space in the last 20 to 30 years. The appellant's representative argued that BUFAB would have paid more because they needed more space in the locality. However, the respondent's representative argued that BUFAB may have got a more favourable deal, given the fact that they occupied other property in the locality.

14. While evidence was provided to show BUFAB had increased their occupation of local properties, there was no evidence presented to show that they had to pay more than the going rate as speculated by the appellant's representative. The panel preferred this transaction because it was open market and a new letting with the tenant coming fresh to the scene. It was in line with the rating hypothesis.

15. The panel also considered the rent on 1 Hughenden Avenue, High Wycombe, which was a lease renewal agreed on 27 February 2021. The rent devalued to £50.46/m^2. While this was very close to the AVD, the panel was less influenced by this transaction as it was a lease renewal between an existing landlord and tenant rather than a new letting on the open market as was the case in BUFAB. Further, the renewed rent was significantly less than the 2011 rent on that property against the background of a market that had risen over the same period.

16. There was also a rent in respect of Unit 1 Beech Road, a lease renewal from 1 July 2020. The parties had analysed this rent completely differently. The appellant's representative's analysis was £56/m^2 whereas the VO devalued it to £67.60/m^2. The difference between the

parties was a tenant improvement, namely a mezzanine floor that had been installed in the 1990s. The VO had removed it from the rental analysis as a tenant improvement whereas the appellant's representative had included it. The appellant argued that the landlord could and would include the rental value of this in the lease renewal because it was more than 21 years old. The panel was not as confident as the appellant's representative as it appeared to be an assumption that the landlord had reflected the mezzanine floor in the renewed rent; there had been no evidence presented to demonstrate this.

Determination

17. In view of the above findings and conclusions, the panel decided to give greatest weight to the rent in respect of BUFAB as it found it conformed the most to the statutory definition of rateable value. It was the only open market rental transaction presented as evidence. The other rental evidence was not as robust.

18. The appeal property had been assessed significantly lower than the rental analysis on BUFAB and this demonstrated to the panel that the RV was not unreasonable.

19. The appeal was therefore dismissed.

Right of further appeal

20. 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 Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009. 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.

21. 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 A Ramsay, Senior Member (Presiding)

Miss S Ballentine, Senior Member

4 November 2025

Mr D Mulgrew
Clerk to the Tribunal
Date issued to the parties: 4 November 2025