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

Case No: CHG101162150

Sitting remotely using Microsoft Teams

Date: 20 October 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — 2017 Rating List; Workshop and premises; Compiled List Entry; Price per square metre; Rental evidence/assessment of comparable properties; Lotus and Delta v Culverwell (VO) & Leicester City Council [1976] RA 141; appeal dismissed.

Before:
MISS N CLARKE
MS N AKHTER

Between:

SANDERSTEAD REMOVALS — **Appellant**

- and -

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

Regarding:
QUARRY MILLS, QUARRY ROAD, GODSTONE RH9 8DQ
(the “appeal property”)

Mr Marshall of Conneely Tribe (Appellant’s Representative)
Mr Ali (Respondent’s Representative)

Hearing date: 24 September 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed

2. The panel confirmed the rateable value (RV) £174,000 with effect from 1 April 2017.

Introduction

3. The challenge proposal was submitted by the appellant's representative and was received by the Valuation Officer (VO) on 29 November 2023. It had been made on the grounds that the RV shown in the rating list on of £174,000 on 1 April 2017 was inaccurate. A revised RV of £139,000 was proposed with effect from 1 April 2017, based upon a reduced unadjusted rate from £55/m^2 to £44/m^2.

4. The VO issued a challenge case decision notice on 20 November 2024 which disagreed with the proposed alteration of the list and stated that the rating list entry was reasonable based on the evidence and information available.

5. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appeal to this Tribunal has been made on the grounds that the valuation for the hereditament is not reasonable. The appeal was lodged by the appellant's representative on behalf of the appellant, and received by the Tribunal on 15 April 2025. In the appeal documents the appellant's representative sought a revised RV of £150,000.

6. Mr Marshall 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), he confirmed that he was instructed a conditional fee arrangement. He 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). The panel therefore considered the "expert" evidence and attached such weight to it as it saw fit.

8. Mr Ali appeared on behalf of the VO and confirmed he was appearing as an advocate and expert witness.

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

Background

10. The appeal property was a warehouse consisting of three interconnected units with an area of 3249m^2 in terms of main space (ITMS). It was constructed in 1971 and was located on Quarry Road which had good transport links near to the A22 and M25.

Relevant Law

11. The subject property must be valued for the purpose of non-domestic rating on the basis of the rent at which it might reasonably be expected to let from year to year on a number of assumptions (see paragraph 2(1) of Schedule 6 of the Local Government Finance Act 1988).

12. The panel was aware of the Lands Tribunal judgment of *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* [1976] RA 141 cited by the parties. This case had established six propositions, which gave clear guidance to be followed, namely:

    (1) ‘Where the hereditament which is the subject of consideration is actually let that rent should be taken as the starting point.

    (2) The more closely the circumstances under which the rent agreed both as to time, subject matter and conditions relate to the statutory requirements contained in the definition of Gross Value in s.19(6) of the General Rate Act 1976 the more weight should be attached to it.

    (3) Where rents of similar properties are available, they too are to be properly looked at through the eye of the valuer in order to confirm or otherwise the level of value indicated by the actual rent of the subject property.

    (4) Assessments of other comparable properties are relevant. When a valuation list is prepared these assessments are to be taken as indicating comparative values estimated by the Valuation Officer. In subsequent proceedings on that list therefore they can properly be referred to as giving an indication of that opinion.

    (5) In light of all the evidence an opinion can then be formed of the value of the appeal hereditament, the weight to be attributed to the differing types of evidence depending on the one hand on the nature of the actual rent and on the other hand, on the degree of comparability found in other properties.

    (6) In those cases where there are no rents available of comparable properties a review of other assessments may be helpful but, in such circumstances, it would be clearly more difficult to reject the evidence of the actual rent.’

13. The material day (the date by which physical factors have to be taken into account) was provided by the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 (SI 1992/556) as amended. In respect of the subject appeal, the material day is 1 April 2017.

Discussion

14. The appellant’s representative stated that the appeal property was in a unique remote location where access was poor and the site was topographically challenging. The appeal property was held under a lease which commenced on 18 November 2011 at £155,000 per annum for a term of ten years. The lease benefited from a three months rent free period followed by six months at half rent. There was a rent review on 18 November 2016 to open market value or the previous rent depending on which was higher. However, there was no rent review undertaken in 2016. The appellant’s representative had analysed the rent in a ‘straight line’ to £139,500.

15. Mr Marshall argued that the rent on the appeal property was the starting point in line with *Lotus and Delta Ltd*. He provided comparable properties in Lambs Industrial Estate to show that there was little growth in industrial units in the locality between 2012 and 2017, which supported the nil rent increase for the appeal property in November 2016.

16. He argued that the RV cannot be higher than £155,000 at the AVD supporting a reduction between the 2010 and 2017 rating list.

17. In response Mr Ali argued that the rent set in 2011 did not represent the market value at the AVD and he had applied little weight to the rent in November 2016. He also did not consider the evidence from Lambs Industrial Estate to be comparable to the appeal property as the appeal property was superior and would appeal to national occupiers. The properties in Lambs Industrial Estate were smaller units that would appeal to local / regional occupiers. Whilst the price per square meter had not changed in the Lambs Industrial Estate from the 2010 to the 2017 rating list, that did not support that everything in the locality remained the same between the two rating lists. Mr Ali stated that the largest unit in Lambs Industrial Estate was valued at £60/m^2 meaning that £55/m^2 was not unreasonable for the appeal property.

18. Mr Ali referred to Comforts Place Farm which was a new letting from June 2016 that devalued to £71.26/m^2. The previous rent in 2011 was over 25% lower supporting that there were changes in the market from 2011 to 2017. Having regard to this comparable property, £55/m^2 for the appeal property did not appear unreasonable.

19. Having regard to the evidence presented, the panel concluded that the basic rate adopted by the VO of £55/m^2 was not excessive. The appellant's representative had sought to rely on the rent for the appeal property but the rent in 2011 was too far removed from the AVD. There was no rent review in November 2016, but no reason was given as to why it was not reviewed. The units relied upon were much smaller at Lambs Industrial Estate. The panel held that Comforts Place Farm demonstrated that there had been movement in the market and as this had devalued £71.26/m^2, the panel accepted £55/m^2 for the appeal property.

Disposal

20. The appeal was dismissed.

Right of further appeal

21. 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.

22. 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/.

Miss N Clarke, Senior Member (Presiding)

Ms N Akhter, Member

20 October 2025

Miss K Hendry
Clerk to the Tribunal
Date issued to the parties: 20 October 2025