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

Case No: CHG101169048

Sitting remotely using Microsoft Teams

Date: 13 January 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — large distribution warehouse, price per m^2 in dispute; rental evidence; comparable assessments; settlement evidence; appeal allowed in part.

Before:
MRS N YANG
MR M ASLAM

Between:

TREMCO CPG UK LTD **Appellant**

- and -

KAREN GILES (VALUATION OFFICER) **Respondent**

Regarding:
UNIT 2 DORSEY WAY, LEICESTER, LE19 4DB
(the "subject property")

Mr A Simons from Ryan Property Tax Services UK Limited, representing the Appellant
Mr A Hargreaves for the Respondent

Hearing date: 16 December 2025

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed in part.

2. The Tribunal determined a rateable value (RV) of £582,500 with effect from 1 April 2023, based on a revised price of £62.50 per m^2.

STATEMENT OF REASONS

Introduction

3. This is a 2023 rating list appeal. Unit 2 Dorsey Way, Leicester, LE19 4DB (the subject property) had been entered in the 2023 rating list as “warehouse and premises” at £635,000 RV with effect from 1 April 2023, based on an adopted price of £70 per m^2.

4. A challenge proposal was submitted by Altus Group (now Ryan Property Tax Services UK Limited) on behalf of Tremco CPG UK Ltd and was received by the Valuation Officer on 3 January 2024. It had been made on the grounds that the RV was inaccurate. A revised RV of £562,500 was proposed, based on an adopted price of £60 per m^2.

5. The Valuation Officer issued a challenge case decision notice on 29 May 2025, which disagreed with the proposed alteration of the list, but stated that the current rating list entry was unreasonable. A revised RV of £605,000 with effect from 1 April 2023 was confirmed, based on a revised adopted price of £65 per m^2.

6. 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 at £605,000 RV is not reasonable. The appeal received by the Tribunal on 9 July 2025 proposed a revised RV of £562,500 based on an adopted price of £60 per m^2.

7. Mr Simons appeared on behalf of the appellant as 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 declared that he was instructed on a conditional fee basis, and that he understood and accepted that his duty was to the Tribunal in giving his evidence, and that 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.

8. 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).

9. The panel therefore considered the “expert” evidence and attached such weight to it as it saw fit.

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

Preliminary issue

11. Prior to the hearing, the Valuation Officer requested the introduction of settlement evidence which was not known at the time the Decision Notice was issued. Mr Hargreaves confirmed that he had no objection to this evidence forming part of the proceedings.

Relevant Law

12. Rateable value is to be determined in accordance with paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988, which provides:

"(1) 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 these three assumptions—

(a) the first assumption is that the tenancy begins on the day by reference to which the determination is to be made;

(b) the second assumption is that immediately before the tenancy begins the hereditament is in a state of reasonable repair, but excluding from this assumption any repairs which a reasonable landlord would consider uneconomic.

(c) the third assumption is that the tenant undertakes to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the hereditament in a state to command the rent mentioned above.

13. In respect of an appeal against an entry in the 2023 rating list, the rental levels are to be taken as those passing at the antecedent valuation date (AVD) of 1 April 2021, in accordance with the Rating Lists (Valuation Date) (England) Order 2020. As this was a compiled list appeal, the material day (the date by which physical factors must be taken into account) was 1 April 2023.

Discussion

14. The issue in dispute is the price per m^2 to be adopted in the valuation of the subject property, a large distribution warehouse (LDW) of 9,122m^2 built in 2019. It is located 1.3 miles away from Junction 21 of the M1, and has been valued in scheme reference 617410 which comprises large distribution warehouses within Leicestershire.

15. On behalf of the appellant, Mr Simons submitted that the present adopted price of £65 per m^2 was excessive, in consideration of the subject rent, comparable rental evidence and settlement evidence. He requested a revised price of £60 per m^2, highlighting the key rent of Unit 29 Centurion Way and settlements at Magna Park (£62.50 per m^2) and Coalville (£60 and £65 per m^2).

16. Mr Hargreaves defended the Valuation Officer's adopted price of £65 per m^2 with reference to rental and settlement evidence.

17. The panel was aware that the leading judgment in the Lands Tribunal case of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 had set out the six propositions to have regard to when considering the weighting of evidence and expert

opinion. 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.

18. The subject property was held on a 15 year lease from 15 June 2019 at a rent of £599,862.50 per annum, with a rent free period of 15 months. Mr Simons initially analysed the rent at £52.54 per m^2, however, following discussions, this had been revised to £58.74 per m^2, which was close to the Valuation Officer's analysis at £59.88 per m^2.

19. Both parties acknowledged that the subject rent had been set almost two years prior to the AVD, and would therefore require some adjustment. With reference to a rental growth table, Mr Hargreaves submitted that rental growth in the region of 9.2% in the 22 months between the lease start date and the AVD supported the adopted price of £65 per m^2.

20. As the subject rent was some distance from the AVD, the panel turned to the parties' rental evidence in respect of comparable properties.

21. Mr Simons provided the following rental evidence in support of his adopted price of £60 per m^2:

Unit 29 Centurion Way, Meridian Business Park, LE19 1WH

Considered to be the key rental evidence, as similar in size to the subject property at 9,464.8m^2 and situated 1.6 miles away on the opposite side of the M1 at Junction 21. The rent effective from 28 September 2021 adjusted for 8.5 months' rent free period analysed at £53.44 per m^2. The property was assessed at £60 per m^2.

Plot 3520, Wellington Way, Magna Park, LE17 4XT

A LDW of £17,552.6m^2, the rent effective from 18 April 2021 analysed at £56.20 per m^2.

Plot 3510, Wellington Way, Magna Park, LE17 4XT

A LDW of £10,589.22m^2, the rent effective from 3 August 2021 analysed at £57.00 per m^2.

VWR International, Hunter Boulevard, Magna Park, LE17 4XN

A LDW of £17,186.63m^2, the rent effective from 10 October 2019 analysed at £55.74 per m^2.

22. The Valuation Officer's rental evidence comprised:

White Stuff, Thorpe Way, LE19 1SU

Built in 1999 and 8,704m^2 in terms of main space (ITMS). Two rental transactions demonstrated rental growth between 2018 and 2023:

- A rent review effective from 25 December 2018 analysed at £60.42 per m^2.
- A lease renewal effective from 1 July 2023 analysed at £76.35 per m^2.

British Gas, Barnsdale Way, LE19 1ES

Built in 2006 and 14,978m^2 ITMS, a rent review effective from 28 June 2022 analysed at £73.44 per m^2.

Dunelm, Meridian South, LE19 1WY

Built in 1986 and 5,755m^2 ITMS, a new letting effective from 9 March 2021 analysed at £75.05 per m^2. While good evidence close to the AVD, the Valuation Officer acknowledged that significant adjustment was required to enable comparison with the subject property due to its size and height.

Unit 1 Dorsey Way, LE19 4DB

23. Adjacent to the subject property and also built in 2019, this property is substantially larger at 30,530m^2 ITMS. A new letting effective from 7 February 2019 analysed at £59.14 per m^2.

24. In support of an adopted price of £65 per m^2 for the subject property, the Valuation Officer provided a table of rental growth in the locality and a CoStar graph illustrating rental growth for prime industrial properties in East Midlands over 50,000 square feet. As the subject property had been agreed at £50 per m^2 in the 2017 rating list, a tone of £65 per m^2 for the 2023 list reflected growth of 30% in the six years between, as supported by the table and graph.

25. The panel noted the following comments made by Mr Simons in respect of the Valuation Officer's rental evidence:
    - White Stuff, Thorpe Way, LE19 1SU – the appellant's representative from G L Hearn had provided information which did not match the details provided by the Valuation Officer: this was a surrender and lease renewal two years post AVD.
    - British Gas, Barnsdale Way, LE19 1ES – the appellant's representative from Avison Young provided different details to those held by the Valuation Officer: there had been a rent renewal effective from 2 March 2021 at a nil increase; the rent analysed at £64.09 per m^2.
    - Dunelm, Meridian South, LE19 1WY – at 5,000m^2, not an LDW; lower eaves height and no loading doors.
    - Unit 1 Dorsey Way – the appellant's representative from Commercial Property Advisors provided additional details and a lower analysed rent at £56.50 per m^2, compared to the Valuation Officer's analysis at £59.14 per m^2; also, two years post AVD.

26. The panel found that the most relevant rental comparables were those similar in size to the subject property, Unit 29 Centurion Way and White Stuff, Thorpe Road. Given that the rent agreed for White Stuff was two years post AVD, and due to the uncertainty over the terms, the panel could not attach much weight to it. The panel therefore supported Mr Simons' opinion that Unit 29 Centurion Way provided the key rental evidence.

27. In the absence of sufficient clean AVD rents, Mr Simons submitted that the recent agreements in respect of LDWs within the same scheme supported £60 per m^2 for the subject property:

Magna Park

Described as a prime logistics and distribution hub, situated near Junction 20 of the M1 and Junction 1 of the M6. Properties situated within Magna Park were originally assessed at £67.50 per m^2, which was subsequently amended to £65 per m^2. A consent order reduced the adopted price to £62.50 per m^2. Mr Simons highlighted that the 2017 list adopted price for Magna Park was £52.50 per m^2, and the subject property was £50 per m^2; by adopting £60 per m^2 for the subject, the same ratio had been applied.

East Midlands Gateway

A logistics park situated at Junction 24 of the M1, there had been an agreement to reduce the adopted tone of £75 per m^2 to £65 per m^2. Properties were assessed at £52.50 per m^2 in the 2017 list.

Bardon Hill, Coalville Estate

Situated at Junction 22 of the M1, there had been an agreement to reduce the adopted tone of £65 per m^2 to £60 per m^2 for the older stock.

28. In view of the following settlement evidence, Mr Hargreaves considered that the tone had started to settle:

- M1 Junction 24 adjacent East Midlands Airport. Original tone £75pm^2. Two agreements at £65pm^2.
- M1 Junction 22 adjacent Coalville. Original tone £65pm^2. Agreed with appellant (Ryan/Andy Simons) that older stock in the original Coalville estate is to be valued at £60pm^2 and newer stock not in the original Coalville estate at £65pm^2.
- M1 Junction 21 adjacent to the subject. Original tone £70pm^2. Amended tone of £65pm^2. Requested tone of £60pm^2.
- M1 Junction 20 adjacent Magna Park. Original tone of £67.50pm^2. Amended tone of £65pm^2. Appealed tone requesting £60pm^2. Agreed via Consent Order at £62.50pm^2 on the original estate.

29. In summarising his case for the Valuation Officer, Mr Hargreaves submitted that the basket of rental evidence supported £65 per m^2 for the subject property. Based on the rents he provided from 2019 at £59 per m^2 (Unit 1 Dorsey Way), to the post AVD rents at £73.44 per m^2 (British Gas) and £76.59 per m^2 (White Stuff) he considered that the correct price for the subject property was somewhere in between. In view of the settlement evidence, he submitted that £65 per m^2 was correct for the subject property.

30. Given the earlier findings regarding the Valuation Officer's rental evidence, the panel was not persuaded that £65 per m^2 for the subject property was supported. Equally, the panel was not persuaded that there was sufficient evidence to support Mr Simons' adopted price of £60 per m^2. The subject rent analysed at around £59 per m^2 22 months prior to the AVD, and therefore to adopt £60 per m^2 did not reflect sufficient rental growth. As it was not possible to be certain of the exact rental growth for the subject property, the panel considered that the settlement evidence provided the most persuasive evidence.

31. It was a point made in the Valuation Officer's Decision Notice that the settlement evidence suggested that the tone for the subject property should sit between £60 to £65 per m^2. In

consideration of the settlement evidence, the panel decided that an adopted price of £62.50 per m^2 for the subject property was fair and reasonable. This was supported by the agreement for Magna Park properties at £62.50 per m^2, described by Mr Simons as a prime logistics and distribution hub. Mr Hargreaves stated that this was a mixed age estate, whereas the subject property was a modern build, however, it had been confirmed that £62.50 per m^2 had been applied to properties of various ages ranging from 1988 to 2024.

Conclusion

32. In view of the above findings, the Tribunal found that the present RV of £605,000, based on an adopted price of £65 per m^2 was not reasonable. The Tribunal determined a revised RV of £582,500, based on an adopted price of £62.50 per m^2, and therefore the appeal was allowed in part.

Ref	Floor	Description	Area m^2/unit	£ per m^2/unit	Value (£)
1.1	Ground	Main Offices	403.07	80.75	32,548
1.2	First	Main Offices	403.07	80.75	32,548
1.3	Second	Plant Room	120.36	25.00	3,009
1.4	Ground	Canopy	224.38	16.00	3,590
1.5	Ground	Sprinkler Pump House	32.24	48.06	1,549
1.6	Ground	Warehouse	8,183.82	62.43	510,916
ADDITIONAL FEATURES OF THE PROPERTY TO BE INCLUDED IN THE VALUATION					
		Plant and Machinery			290
				Valuation total	584,450

Rounded down to £582,500 RV

33. Under the provisions of regulation 38(4) of The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Tribunal for England orders the Valuation Officer to alter the entry in the rating list to £582,500 RV with effect from 1 April 2023.

34. Under regulation 38(9), the Valuation Officer must comply with this order within two weeks of the date of its making.

35. A refund of the paid fee will now be arranged provided there is no review of the Tribunal's decision. The refund will take around six weeks to process.

Right of further appeal

36. 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) using Form T385 (Notice of appeal) within **four weeks** of the date this decision and statement of reasons was issued.

37. 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/.

Mrs N Yang, Senior Member (Chair)
Mr M Aslam, Senior Member
13 January 2026

Mrs L Horne
Clerk to the Tribunal
Date issued to the parties: 13 January 2026