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

Case No: CHG101184414

Sitting remotely using Microsoft Teams

Date: 23 December 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 - 2023 Rating List appeal; Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council [1976], *correct base rate; warehouse and premises; the rent passing on the subject property, together with comparable assessments demonstrated to the panel that the current base rate applied to the subject property was unreasonable; appeal allowed in part.*

Before:
MR CM TAYLOR
MISS S AKHTAR

Between:

TASTY BAKE LIMITED — **Appellant**

- and -

LUCY FORMELA-OSBOURNE (VALUATION OFFICER) — **Respondent**

Regarding:
BASS BREWERS TECHNICAL SERVICES, BEAUFORT HOUSE, FIRST AVENUE, SUTTON COLDFIELD B76 1BA
(the "subject property")

Mr T Hogg of Ryan Property Tax Services Limited on behalf of **the Appellant** (as advocate and expert witness)
Mr M Muqbil for the **Respondent** (as advocate and expert witness)

Hearing date: **Tuesday 9 December 2025**

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed-in-part.

2. The Tribunal panel determined that the existing assessment of £120,000 Rateable Value (RV) was unreasonable and that an assessment of £90,500 RV, with effect from 1 April 2023, more accurately reflected the subject property.

STATEMENT OF REASONS

Introduction

3. This appeal has been brought in respect of Bass Brewers Technical Services, Beaufort House, First Avenue, Sutton Coldfield B76 1BA (the "subject property"), which was entered in the 2023 Rating List as 'warehouse and premises' at £120,000 RV, effective from 1 April 2023.

4. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, an appeal was made to the Valuation Tribunal for England (VTE) on behalf of Tasty Bake Limited. The appeal was made because the appellant did not agree with the Valuation Officer's decision not to alter the subject property's 2023 Rating List entry following the challenge. The appellant sought a reduction to £82,500 RV, with effect from 1 April 2023.

5. Mr Hogg was appearing on behalf of the appellant as advocate and expert witness. Therefore, it was important to ascertain if there was a success related fee involved and if so whether its existence was compatible with his obligations to the tribunal as an expert. This question was raised in view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC).

6. Mr Hogg explained that he was representing the appellant in this appeal on a contingency fee basis. However, 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 supports his client's case.

7. The panel have accepted this expert witness evidence on the above basis as the appeal is not complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions – general) of the VTE (Council Tax and Rating Appeals) (Procedure) Regulations 2009 (SI No 2009/2269) and is 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. This statement of reasons is not and does not purport to be a full verbatim record of proceedings.

Background

9. The subject property was a warehouse and premises located in Sutton Coldfield, Birmingham. It was an industrial unit that had been constructed in 1991, with a total area of 1,818.70m^2 and an eaves height of 6.7m.

10. There had been a rent review on the subject property on 5 August 2021, when there was a nil increase, with the rent remaining at £60,000 per annum. Mr Hogg analysed the rent to £30/m^2.

11. It was currently valued at the base rate of £60/m^2. Mr Hogg sought a reduction in the base rate to £41/m^2, which resulted in his revised assessment of £82,500 RV, with effect from 1 April 2023.

Relevant Law

12. The subject hereditament must be valued for the purpose of non-domestic rating on the basis of the rent that it might reasonably be expected to let from year to year on a number of assumptions (see paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988). The date of the hypothetical rent was 1 April 2021, the Antecedent Valuation Date (AVD). Matters that affect the physical state or enjoyment of the property or the locality were to be taken as at 1 April 2023 (the material date).

Discussion

13. The panel acknowledged that the sole issue in dispute was the correct base rate to be applied to the subject property's assessment. The assessment was currently valued at a base rate of £60/m^2, which was being defended by Mr Muqbil. In contrast, Mr Hogg sought a reduced base rate of £41/m^2.

14. In deciding the issue in dispute, the panel had regard to the Lands Tribunal judgment of *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* [1976], as referred to by Mr Hogg. This case had established six propositions that gave clear guidance to be followed when assessing rateable value. Bearing these six propositions in mind, the panel acknowledged that the correct starting point was the actual rent passing on the subject property and consideration as to how that rent compared to the statutory definition of rateable value.

15. There was a rent review on the subject property on 5 August 2021, which saw a nil increase in the rent at £60,000 per annum. Mr Hogg stated the review had taken place to open market value and he had analysed the rent to £30/m^2. As this rent review had taken place just four months after the AVD, the panel placed weight on it. Having regard to the analysed rent, the panel considered that the current base rate adopted of £60/m^2 appeared excessive. However, it appreciated Mr Muqbil's view that a decision should not be made on the subject rent in isolation but having regard to the full basket of evidence. Therefore, the panel went on to examine the third and fourth propositions outlined in *Lotus and Delta* and had regard to the rents and assessments placed on comparable properties.

16. Firstly, the panel addressed the three pieces of rental evidence provided by Mr Muqbil. The panel noted that the subject property was over six times larger than the first two properties, namely Unit 1 Rb Industrial Estate, Lime Grove and 1581 Bristol Road South. Mr Muqbil explained that he had provided these comparable properties to demonstrate how quantum applied to industrial units in this locality. However, measuring 267.53m^2 and 294.59m^2, respectively, the panel noted that there were substantially smaller than the subject property. Plus, they were located some distance away, with one being as far as 26 miles away from the subject property. Therefore, the panel found these properties to be of little assistance when arriving at its decision.

17. Mr Muqbil's third rental evidence was in relation to 51-53 Mainstream Way. This property measured 1,621.77m^2. It had been subject to a rent review in May 2020, the rent analysed to £58.73/m^2. This unit had been valued at a base rate of £60/m^2. This property was approximately seven miles away.

18. Mr Muqbil had also provided two comparable assessments 38 First Avenue, Minworth and Unit 1 Bricklyn Farm Business Centre. However, the panel attached less weight to this evidence as the properties in question were either substantially larger or substantially smaller than the subject property.

19. The panel then turned to the two comparable properties put forward by Mr Hogg. His first comparable was Pt Gnd Flr 1, First Avenue, Minworth, Sutton Coldfield. This property was situated in close proximity, just around the corner from the subject property. Mr Hogg pointed out that in the 2017 Rating List, these two properties were both valued at £43/m^2. However, the base rate applied to this comparable for the 2023 Rating List had been reduced to £40/m^2, whereas the subject property's base rate had increased to £60/m^2. Whilst the panel appreciated that these two properties were in close proximity, it did place caution on this evidence as Pt Gnd Flr 1, First Avenue was over twice the size of the subject property.

20. Mr Hogg's second comparable property was Unit C1, Castle Bromwich Business Park, Tameside Drive. This property had been constructed in 1990, it measured 1,688.46m^2 and had an eaves height of 6.2m. It had been valued at a base rate of £45/m^2.

21. The panel noted Mr Muqbil's point that whilst Unit C1, Castle Bromwich Business Park was a comparable property, it was not located within Sutton Coldfield. Mr Muqbil contended that Castle Bromwich was an inferior location. However, the panel was more persuaded by this property than the properties put forward by Mr Muqbil, which were either not comparable in terms of size or located a significant distance away.

22. The panel placed great weight on Unit C1, Castle Bromwich Business Park and found it to be the most comparable in terms of age, size and eaves. The panel noted that whilst Unit C1, Castle Bromwich might not have a Sutton Coldfield address, it was located only a few miles from the subject property and had the benefit of being well situated close to the M6.

Conclusion

23. In arriving at its decision, the panel placed weight on the subject property's analysed rent of £30/m^2. This had been subject to rent review just four months after the AVD and suggested that the current base rate applied of £60/m^2 was excessive. The panel placed further weight on Unit C1 Castle Bromwich Business Park, which it found to be the best comparable property provided and had been valued at the lower base rate of £45/m^2.

24. In view of the above conclusions, the panel allowed the appeal in part. It determined that the current base rate for the subject property of £60/m^2 was excessive. However, the panel was not persuaded that a reduction to £41/m^2 was justified. The panel determined that a reduced base rate of £45/m^2 was more in line with the rate applied to comparable properties in the general locality. This resulted in an assessment of £90,500 RV, with effect from 1 April 2023. The valuation is shown overleaf:

Floor	Description	Area m^2	£/m^2	Value £
Ground	Warehouse	846.80	45.00	38,106
Ground	Office	485.70	54.00	26,228
First	Office	486.20	54.00	26,255
Total Value				£90,589
Say £90,500 Rateable Value, with effect from 1 April 2023				

Order

25. As a consequence of the above decision, the Valuation Officer is ordered to reduce the 2023 Rating List entry to £90,500 RV, with effect from 1 April 2023, within two weeks of the date of this Order.

Refund of fees

26. A refund of the paid fee will now be arranged (Regulation 13E of the NDR Alteration of Lists & Appeals Regs) provided there is no review of the Tribunal's decision. The refund will take around six weeks to process.

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) using Form T385 (Notice of appeal) within **four weeks** of the date this decision and statement of reasons was 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 CM Taylor, Senior Member (Chair)
Miss S Akhtar, Member
23 December 2025

Mrs R James
Clerk to the Tribunal
Date issued to the parties: 23 December 2025