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

Case No: CHG101188045

Sitting remotely using Microsoft Teams

Date: 18 February 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

Non-domestic rating; 2023 list appeal; Local Government Finance Act 1988; Factory and premises; Lotus & Delta Ltd v Culverwell (VO) [1976] RA 141; Comparable properties; Appeal dismissed.

Before:
MRS N MANZOOR
MRS U NASEEM

Between:

LTH ELECTRONICS LTD — **Appellant**

- and -

KAREN GILES (VALUATION OFFICER) — **Respondent**

Regarding:
LTH ELECTRONICS LTD, CHAUL END LANE, LUTON, BEDFORDSHIRE LU4 8EZ
(the appeal property)

Mr Ben Porter of Ryan Group for the appellant, Ms Ainsley Elkington for the respondent

Hearing date: 27 January 2026

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The panel found that the rateable value (RV) of £40,000 was reasonable for the appeal property.

STATEMENT OF REASONS

Introduction

3. This appeal had been brought in respect of the appeal property LTH Electronics Ltd, Chaul End Lane, Luton, Bedfordshire LU4 8EZ shown in the 2023 Rating List as ‘Factory and premises’.

4. The appeal property was a workshop with additional canteen and offices with an area of 581.73m^2 and an RV of £41,500 based on a rate of £71.45/m^2 with effect from 1 April 2023. It was located on an estate of mixed age warehouse and workshop premises on the edge of Luton town centre.

5. A challenge was submitted on 17 June 2025 to reduce the rate to £60/m^2 resulting in an RV of £31,250 including an end allowance of 10% for access difficulties.

6. The respondent considered that the proposal was not well-founded and disagreed with the proposed alteration of the list. The rating list entry was reasonable based on the evidence and information available and therefore disagreed with the challenge. The appellant appealed to the tribunal on 15 August 2025.

7. On 20 January 2026 the respondent’s representative emailed the appellant’s representative advising that, after an inspection and discussion, she had revised the areas of the appeal property to :

Workshop	396.94m^2
Office	154.19m^2
Canteen	8.39m^2

8. This gave a revised total significant area (TSA) of 559.52m^2 which was agreed by both parties. She had also slightly amended the rate to £71.49/m^2 and given an end allowance for access of 5%. The RV was now reduced to £40,000 with effect from 1st April 2023 and the appellant now sought an RV of £31,750 including an end allowance of 10%.

9. The appellant’s representative had earlier emailed the tribunal and the valuation office on 22 September 2025 with further new evidence in respect of the appeal. He advised that he was submitting it as it related to the ground on which the proposal was made, was not known to the party and could not reasonably have been acquired by the party before the proposal was determined under Part 2 of the NDR Regulations (The Non-Domestic Rating (Alteration of Lists and Appeals) (England) (Amendment) Regulations 2017). The evidence was in relation to a comparable property at 320 Selbourne Road, Luton.

10. Mr Porter appeared in a dual role of advocate and expert witness and confirmed that he accepted and understood that his overriding duty was to the Tribunal. In view of the Upper Tribunal’s judgment in *Gardiner & Theobald LLP v David Jackson (VO) [2018]* UKUT 0253

(LC), Mr Porter declared that he was instructed under a conditional fee in respect of his role as expert witness.

11. The panel accepted the expert witness evidence on this basis as the appeal was not considered to be 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 Tribunals' rules concerning 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.

12. Ms Elkington had submitted her statement of truth on 23 January 2026 in which she confirmed that she understood and complied with her duty to the Valuation Tribunal as an expert witness which overrides any duty to those instructing or paying her. She has given her evidence impartially and objectively, with specific regard to the reasonable test as stated in the guiding legislation and will continue to comply with that duty as required. She confirmed that she was not instructed under any conditional or other success-based fee arrangement and that she had no conflicts of interest.

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

Relevant Law

14. The panel referred to the Local Government Finance Act 1988 in respect of the definition of rateable value in paragraph 2(1), Schedule 6 to the Act (as amended). The rateable value of any hereditament is to be taken to be the amount, determined in accordance with the statutory assumptions, equal to the rent at which it is estimated the hereditament might reasonably be expected to let from year to year, on 1 April 2021 the "antecedent valuation date" (AVD). The material day for this appeal was 1 April 2023.

15. The panel had regard to the Lands Tribunal judgment of *Lotus & Delta Ltd v Culverwell (VO)* [1976] RA 141. This case had established six propositions, which gave clear guidance to be followed when assessing rateable value, 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 is 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 1967 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.

Discussion

16. The panel was informed that the appeal property was held freehold and that there was no rental evidence available. The panel therefore had to consider properties that the parties had submitted that they considered comparable to the appeal property.

17. The appellant's representative had submitted that the appeal property had been valued within the valuation office scheme 601026, a large scheme covering all pre-1980 built industrial properties in Luton but was a scheme which made no adjustments for any differences in individual properties.

18. He also submitted that almost all of the properties submitted by both parties were in the LU1 postcode area not in the LU4 postcode area of the appeal property. For this reason he felt that they were not very comparable and it was more reasonable to compare the property at 320 Selbourne Road which was in the LU4 postcode area.

19. 320 Selbourne road was let on a new open market letting for £55,000 from 16 September 2020 and he had analysed the rent to £63.84/m^2. This property was larger than the appeal property at 861.44m^2 and he felt that this rental analysis supported a reduction in the appeal property rate to £60/m^2.

20. The panel found that this one property was not sufficient in its own right to justify a large reduction in the appeal property rate and, in any case, this rent still analysed to some way above the proposed £60/m^2.

21. In his evidence submission the appellant's representative had also submitted three other properties 16, 18 and 29-31 Bilton Way as comparable, however, the VO's representative had submitted some contrary evidence with regards to the rents. The panel found that, in any case, the leases were from 15 to 26 months prior to the AVD and the panel gave them low weight.

22. The panel was presented with rental evidence by the VO's representative.

23. 12 Bilton Way was larger than the appeal property at 906.47m^2 and had been let on 1 December 2020 for five years, just four months prior to the AVD, for £73,300 per annum. The rent analysed to £72.99/m^2. Similarly, 28 Bilton Way, also larger than the appeal property at 1,026.18m^2, had been let on 1 February 2021, just two months prior to the AVD, for £87,000 per annum. This rent analysed to £82.84/m^2. The panel found that both of these comparables provided very good evidence to demonstrate that the rate on the appeal property at £71.49/m^2 was not excessive, particularly as for a smaller property there was a possibility it might be a higher rate because of quantum.

24. 40-42 Bilton Way, again larger than the appeal property at 773.73m^2, had been let on 1 September 2019 for £95,500 per annum and the rent analysed to £109.26/m^2. The rent on Unit 22 Sundon Industrial Estate, larger than the appeal property at 925.12/m^2, analysed to £69.12/m^2. The panel found that these properties as part of the basket of evidence presented also supported the rate on the appeal property but gave this evidence less weight as the lettings were 16 and 19 months prior to the AVD.

25. The appellant's representative had also referred to photographs of the appeal property to demonstrate that there was poor access that prevented the loading of HGV lorries. He had inspected the property recently and stated that the access was by a shared route with no direct frontage and the property sat behind three other units. It would therefore command a lesser rent than similar properties with good access. He had submitted eight properties in the LU4 postcode area that had a 5% end allowance for access, however, these were all capable of loading HGV's and therefore 10% was reasonable for the appeal property to reflect the difference.

26. The VO's representative stated that no allowance had been given for reduced access to the appeal property in previous rating lists and the circumstances of the property had not changed. Of the properties listed by the appellant's representative she stated that five of them, 5a Arundel Road, R/O 1 and 19a Mansfield Road, 20A Linden road and 82A Roman Road all had similar access restrictions as the appeal property and therefore 5% is justified.

27. The panel noted both parties' comments and found that the appellant's representative had not submitted any comparable properties that had a 10% end allowance for access, nor had any evidence been presented to the panel to show that access to the appeal property was significantly worse than those given a 5% end allowance.

28. In light of the above, the panel found that 12 and 28 Bilton Way provided very good evidence in support of the appeal property rate particularly as the rents were close to the AVD. Further, as the appeal property was smaller than these two properties it was always possible that quantum would play a part in increasing the rate but this was not the case and the panel found this further supported the appeal property rate. No evidence had been presented to persuade the panel that an end allowance of more than 5% was reasonable for the appeal property.

29. The panel had considered all the evidence in accordance with the *Lotus v Delta* case and found that sufficient evidence had been provided to show that the valuation of the appeal property was reasonable and supported by the rental evidence of other comparable properties in the locality.

Decision

30. In view of the above findings and conclusions, the panel found that the appeal property was correctly valued at £40,000 RV with effect from 1 April 2023.

31. The appeal is therefore dismissed.

Right of further appeal

32. 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.

33. 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 Manzoor, Senior Member (Chair)
Mrs U Naseem, Member
18 February 2026

Mr D Adamson
Clerk to the Tribunal
Date issued to the parties: 18 February 2026