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

Case No: CHG101188698

Sitting remotely using
Microsoft Teams on
27 April 2026

Date: 26 May 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 Rating List Appeal: challenge against compiled list entry; vehicle repair workshop and premises; accuracy of rateable value; Lotus & Delta v Culverwell (VO) and Leicester City Council [1976] RA 141; *appeal dismissed.*

Before:

MISS AC GRIFFITHS
MS TM BLADES

Between:

COMMERCIAL BODYWORKS LIMITED **Appellant**

- and -

KAREN GILES
(VALUATION OFFICER) **Respondent**

Regarding:

UNITS 1-3, TOSELAND ROAD, GRAVELEY, HUNTINGDON, CAMBRIDGESHIRE PE19 6PS
(the "subject property")

Mr O Plumley from Ryan Property Tax Services (as advocate and expert witness on behalf of the appellant)
Mr T Manyadza (as advocate and expert witness on behalf of the respondent)

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The panel confirmed the Rateable Value (RV) of the appeal property at £112,000 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. This appeal had been brought in respect of Units 1-3, Toseland Road, Graveley, Huntingdon, Cambridgeshire PE19 6PS (the subject property), which was entered in the 2023 Rating List as 'vehicle repair workshop and premises' at an RV of £112,000 effective from 1 April 2023.

4. The appellant's Challenge was submitted on 29 February 2024 and sought a reduction in the RV to £100,000 with effect from 1 April 2023. The appeal to this Tribunal was made on 18 November 2025, following the Valuation Officer's (VO) Decision Notice of 27 August 2025 in respect of the subject property.

5. The subject property is a 1970's built industrial unit comprised of multiple units. It is a vehicle repair workshop. It is a standalone property in a rural location comprising of industrial space of 2,300m^2 and ancillary office facilities of 120m^2 giving a total area of 2,490m^2. It is located in Graveley approximately 16 miles from Cambridge.

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 was not reasonable.

7. Mr Plumley appeared on behalf of the appellant as both 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). Mr Plumley confirmed that he was instructed under a contingency fee and he declared 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 his 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.

Issue

11. The issue for the panel to make a finding on was the unadjusted rate for the subject property. The VO submitted that the current rate of £50/m^2 with an RV of £112,000 was reasonable. The appellant submitted that the rate was too high and that an unadjusted base rate of £37/m^2 with a 20% uplift giving a tone of £44.40/m^2 was reasonable giving an RV of £100,000.

Preliminary issue

12. Mr Manyadza submitted that the table of settlements put in by Mr Plumley amounted to late evidence and that it should not be allowed into the hearing. He argued that the appellant had not complied with the directions for non-domestic cases and that the VO had been put at a disadvantage if these settlement details were included in the hearing. He did however request that if the settlement details were allowed into evidence then his own rebuttal with analysis should also be allowed into evidence.

13. Mr Plumley submitted that the evidence he sought to introduce was not new evidence as it was already referred to in the Challenge documentation. The only difference was that he had put the information into a table format for ease of reference. As a result the evidence did not fall under Regulation 17A of Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 (as amended).

14. The panel found that the evidence was not new evidence as it had already been referred to in the previous exchanges of evidence at the Challenge stage. Further the VO had already had the opportunity to prepare a rebuttal in connection with that evidence. The VO would therefore not suffer any prejudice if the evidence was allowed into the hearing into the hearing.

Relevant Law

15. In arriving at a decision, the panel is governed by rating legislation laid down by Parliament where Schedule 6 to the Local Government Finance Act 1988 as amended by the Rating (Valuation) Act 1999, provides that:

    2(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.

16. 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 2014 (SI 2014 No. 2841).

17. 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 No. 556) as amended. In respect of the subject appeal, the material date is 1 April 2023 being the commencement date of the 2023 rating list.

Discussion

18. The appeal hereditament 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 to the Local Government Finance Act 1988). The date of the hypothetical rent was 1 April 2021.

19. The panel turned to the six propositions set down in *Lotus & Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 which was binding on this panel. The first two propositions are:

> (1) Where the hereditament which is the subject of consideration is actually let, that rent should be taken as the starting basis.
>
> (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 section 19(6) of the General Rate Act 1967 the more weight should be attached to it. (These statutory requirements now contained in Schedule 6, Para 2 (1) Local Government Finance Act 1988 (as amended by the Rating (Valuation) Act 1999)).

20. The panel noted that both parties placed little weight on the lease of the subject property as evidence of rental value. The lease commenced in September 2013 at an annual rent of £77,500, which remained unchanged following the rent review in September 2018. The panel found that the transaction was between connected parties and that the agreed rent was set to reflect mortgage payments rather than the open market rent. In those circumstances, the panel concluded that the rent did not represent a reliable indicator of market value. Furthermore, it was too distant from the AVD to carry weight. Accordingly, the lease was of no assistance in determining the RV of the subject property. The panel acknowledged that the passing rent of the subject property would ordinarily provide the starting point for assessing the unadjusted rate however, in this case it was necessary to place greater reliance on comparable rental evidence, consistent with the approach set out in *Lotus & Delta*.

21. The panel therefore looked to the comparable properties provided by both parties. The third and fourth propositions set out in *Lotus and Delta* were considered by the panel in regard to the comparable properties put into evidence by both parties:

> (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 be properly be referred to as giving an indication of that opinion.

22. The panel firstly considered the appellant's comparable properties:

(1) Unit 4, Burlington Park was the best evidence in the appellant's opinion. It had an area of 1,189.65m^2. It was an open market letting in January 2021 only three months from the AVD. The rent analysed to £44.63/m^2 and was agreed at £46.23/m^2 after taking into account quantum it supported that the UAR of £50/m^2 for the subject property was unreasonable.
(2) Envea House was based on a new open market lease dated 11 June 2019 with an area of 2,358.97m^2 and had a rent of £175,000. This analysed to £28.47/m^2 and had a UAR of £50/m^2. Mr Plumber explained that the ITMS of 4,942.82m^2 included a mezzanine floor which was present prior to the lease being signed. There was also a rent review on 11 June 2024 with rent being set at £230,000 which analysed to £45.80/m^2 and had a UAR of £50/m^2.
(3) Law & Lewis, Station Road which had an area of 960.98m^2 was a verbal agreement. It was dated 7 August 2020 and was for a rent of £21,147 and was 960.98m^2. The rent analysed to £32.63/m^2 and had a UAR of £60.48/m^2.
(4) AV Engineering Services Ltd which was 1,191.34m^2 had a lease renewal dated 1 June 2021 with a rent of £36,000 which analysed to £34.58/m^2 with a UAR of £55/m^2.
(5) Unit 2 Millside Farm which was 595.93m^2 was a rent review dated 25 September 2021 with rent of £36,500. The rent analysed to £60.73/m^2 with a UAR of £67.50/m^2.
(6) Offices 1st and 2nd Floor Cecil Technical Centre Building was 554.32m^2 and originally had a UAR of £65/m^2 but was settled at £60.89/m^2
(7) Building 3, Whiting Way which was 1,071.4m^2 had a UAR of £56.74/m^2 but was settled at £52.50/m^2. As this property was considerably smaller than the subject property. Mr Plumley submitted that when quantum was taken into account it supported that the UAR of £50m^2 was too high for the subject property.
(8) 12 Pembroke Avenue was 704.11m^2 and had an original UAR of £65/m^2 which was settled at £60/m^2.
(9) Unit 4 Wyndmere Farm was 645.07m^2 and had a UAR of £65/m^2 and settled at £60/m^2.
(10) Saxon house, Saxon Way was some distance from the subject property. It had an original UAR of £58.16/m^2 but was settled at £53.69/m^2.

23. The panel recognised that most of the rental evidence comprised of rent reviews, a verbal agreement and a lease renewal. The panel considered that such evidence attracted limited weight within the basket of evidence. The panel also noted that all of the comparable properties were significantly smaller than the subject property, which had an area of 2,490m^2. The panel noted that the lease relating to Envea dated from 2019, being approximately two years prior to the AVD, and was therefore placed limited weight on it.

24. The panel gave greater consideration to the letting of Unit 4, Burlington Park, which was a new lease dated 1 January 2021, close to the AVD. This analysed to £44.63/m^2, with a UAR of £50/m^2. The panel noted that this property was in the same valuation scheme as the subject property however it is significantly smaller, with an area of 1,189.65m^2 (approximately half the size of the subject property) and was located approximately 20 miles away. The RV on this property also had a 10% allowance for layout. The panel accepted that the subject property had better access for HGV vehicles. The panel further noted that the settlement evidence related to properties within the same valuation scheme but not within the same

locality. The panel took into account that the scheme in question was size-driven rather than related to location. The panel placed little weight on this evidence.

25. The panel the turned to the comparable properties put into evidence:

(1) Unit 8 Burlington Park had an area of 1,127.32m^2 was a rent renewal dated 1 September 2021 with a rent of £62,500 which analysed to £68.32/m^2 and had a UAR of £50/m^2.
(2) TC Harrison Group Ltd with an area 470.62/m^2 was based on a rent review dated 1 April 2020 with a rent of £36,500 which analysed to £68.3/m^2 with a UAR of £67.50/m^2.

26. The panel found that the comparable properties were based on rent reviews on properties which were significantly smaller than the subject property. The panel noted that the rent review on Unit 8 required adjustments due to having shared external repairs and insurance. Neither was an open market rent and they did not demonstrate a tone had been established. The panel noted that both Saxon house and Envea House were either significantly smaller or larger than the subject property and were located 20 miles away from the subject property. The panel placed little weight on this evidence.

27. The difference between the RV's in the 2017 and 2023 rating lists for the subject property were significantly higher than that applied to other properties in the same valuation scheme. The increase was approximately 165% for the subject property, compared with increases of between 20% and 35% for the other thirteen properties included in evidence by the appellant. The panel examined the comparable properties relied upon by the appellant, which were also within the same valuation scheme. It noted that, between the 2017 and 2023 rating lists, these properties showed increases ranging from approximately 20% to 65%. The panel further noted that the assessment of the subject property included service adjustments, resulting in an analysed rate of £44.97/m^2. In the panel's view, this level supported the current RV of £112,000.

28. The panel considered that Mr Plumer proposed a percentage reduction on the UAR of the subject property to mirror the reductions observed amongst the other comparables within the same valuation scheme. The panel had regard to the fact that each rating list is compiled by reference to a different AVD, such that RV's reflect market conditions prevailing at those respective dates. Furthermore, each rating list is prepared 'de novo', and therefore the panel put little weight on the direct comparisons between the lists when determining an RV.

29. In appeals of this nature, the burden lies with the appellant to establish that the RV is unreasonable. The panel found that the comparable properties advanced by both parties were of limited assistance. Having regard to the rent passing on the subject property when compared with the wider body of rental evidence provided by the VO, the panel was satisfied that a tone of value had been demonstrated within the valuation scheme at £50/m^2. Accordingly, the panel found that the current RV of the subject property, based on a UAR of £50.00/m^2, was reasonable. The appellant had not provided sufficient evidence to satisfy the panel that the existing RV was unreasonable.

Conclusion

30. In view of the above findings and conclusions, the Tribunal is satisfied the current RV of £112,000 is reasonable and dismissed the appeal.

Right of further appeal

31. 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.

32. 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 AC Griffiths, Senior Member (Chair)
Ms TM Blades, Senior Member
26 May 2026

Miss F Willson
Clerk to the Tribunal
Date issued to the parties: 26 May 2026