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

Case No: CHG101189798

Sitting remotely using
Microsoft Teams on
12 March 2026

Date: 7 April 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — 2023 rating list — factory and premises — Lotus & Delta Ltd v Culverwell (VO) And Leicester City Council [1976] RA 141 — tone of value for main space — appeal dismissed.

Before:

MS C EDWARDS
MR S MULDOON

Between:

MARTIN ROBEY ENGINEERING — **Appellants**

- and -

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

Regarding:

MARTIN ROBEY HOLDINGS LTD, POOL ROAD, NUNEATON CV10 9AE
(the “subject hereditament”)

Mr M Iles of Ryan Property Tax Services UK Limited for the **Appellants**
Mr T SImango of the Valuation Office Agency for the **Respondent**

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed. The panel confirmed the rateable value (RV) of the subject hereditament at £117,000 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

2. The appeal process began with a proposal made by the Appellants on 4 March 2024 in respect of the Respondent's rating list entry of the subject hereditament at £130,000 RV with effect from 1 April 2023. The Appellants proposed a revised assessment of £91,500 RV from that date based on a reduced tone of value for main space from £50 per m^2 to £35 per m^2.

3. The Respondent issued a challenge case decision notice on 6 June 2025 which stated that the proposal was not well-found however it was considered that the rating list entry was unreasonable. The Respondent reduced the assessment to £117,000 RV based on a revised tone of value for main space from £50 per m^2 to £45 per m^2. The Appellants appealed that decision to this Tribunal on 6 October 2025, on the grounds that the valuation for the subject hereditament remained unreasonable.

4. Prior to the hearing, both parties submitted revised valuations in light of an inspection of the subject hereditament undertaken on 27 February 2026, which identified additional accommodation and services not reflected in the original valuation for the 2023 rating list. This included a mezzanine floor, air conditioning to the offices, storage containers and additional plant and machinery. The revised valuations were £94,000 RV by the Appellants and £121,000 RV by the Respondent.

5. The subject hereditament was a factory and premises of 3142.01m^2 with an eaves height of 5.22m, located on Pool Road, Nuneaton, Warwickshire.

6. Mr Iles appeared on behalf of the Appellants as both advocate and expert witness. In view of the Upper Tribunal's judgment in *Gardiner & Theobold LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), the representative confirmed that he was instructed under 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 on the above basis as the parties agreed the appeal was not complex and to do otherwise would be contrary to regulation 3 (Discharge of Valuation Tribunal for England (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. The panel was required to determine the correct RV to be attributed to the subject hereditament in the 2023 rating list. The issue in dispute concerned the tone of value for main space.

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

Relevant Law

10. The subject 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 be let from year to year on a number of assumptions. Those assumptions are listed in paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988.

11. In accordance with the Rating Lists (Valuation Date) (England) Order 2014 (SI:2014 No.2841), the date of the hypothetical rent was 1 April 2021, the antecedent valuation date (AVD). This common date was used to ensure that every property was treated in a consistent way.

12. Matters that affected the physical state or enjoyment of the property or the locality were to be taken at the material day, as outlined by the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 (SI 1992 No. 556) as amended. In respect of the subject hereditament, the material day is 1 April 2023.

13. The Lands Tribunal decision of *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* [1976] RA 141 is referred to in this decision.

Analysis

14. It is a well-established rating principle that the starting point in the determination of a property's RV should be the rent passing on the subject hereditament itself. No rent of the subject hereditament was provided as the property was freehold.

15. Mr Iles stated that the subject hereditament was of steel portal frame, constructed in the 1980s. He contended that the property is situated on a rural estate to the north of Nuneaton, surrounded by residential areas, with access to major road networks via the A5 approximately four miles away through Hinckley.

16. Mr Iles submitted four comparable assessments with rental evidence which he contended to support a reduced tone of value for main space at the subject hereditament. Woodland Garden Ornaments Ltd, Pool Road was 1725.10m^2, with an eaves height of 4.57m and had a lease effective from 3 December 2018 at £60,000 per annum. Its tone of value for main space was £50 per m^2, Mr Iles had analysed that rent to £25.26 per m^2. Mr Iles stated that this property was on the same estate as the subject hereditament and of a similar age. Unit A2 & Unit B, Weddington Terrace was 1250.80m2 and had a lease effective from 14 October 2019 at £50,000 per annum. Its tone of value for main space was £35 per m^{2,} and Mr Iles had analysed that rent to £39.85 per m^2. Mr Iles stated that this property was of comparable construction to the subject hereditament and in a similar location being circa one mile from it. Unit 1 Purley Chase Estate was 5503.16m^2 and had a lease effective from 1 November 2020 at £210,000 per annum. Its tone of value for main space was £30 per m^2, and Mr Iles had analysed that rent to £25.92 per m^2. Warehouse Unit 2 Purley Chase Estate was 2022.25m^2 and had a lease effective from 1 January 2021 at £66,674 per annum. Its tone of value for main space was £35 per m^2, and Mr Iles had analysed that rent to £29.14 per m^2. Mr Iles stated that the comparable assessments on the Purley Chase Estate were slightly older than the subject hereditament yet were comparable in terms of construction.

17. Mr Iles also referred to Transol Logistics, Pool Road, and a 30,000sq foot unit on Pool Road, which were both located on the same estate as the subject hereditament. Those properties were being advertised for let at £55,000 per annum in December 2019 per annum in 2021.

He argued that whilst not determinative as they were taken from letting particulars from the sales brochures, they were reflective of the market at the site of the subject hereditament. Both properties were smaller than the subject hereditament. Transol Logistics was stated to have been let from 1 January 2021 at £45,000 per annum which Mr Iles analysed to £30.73 per m^2 and the 30,000sq foot unit on Pool Road from 1 November 2022 at £125,000 per annum which he analysed to £39.76 per m^2.

18. Mr Iles contended that the subject hereditament was disadvantaged in terms of its location as it was a much further distance from major access roads than comparable assessments in superior estates in Nuneaton. He stated that Cogsdill Nuneaton Ltd, which was located on the Bermuda estate, had a tone of value for main space of £46 per m^2 compared to £38 per m^2 at the subject hereditament, which he argued reflected the difference in location as Bermuda was adjacent to the A444 and led directly to the M6. He argued that the Centrovell estate, where Units 4 & 5 and Unit 7 of 1916m^2 and 4081m^2 and with tones of value for main space of £40 per m^2 and £35 per m^2 respectively, were located, was more comparable to the Pool Road estate as the access was poor.

19. The Respondent relied on its own schedule of comparable assessments with rental evidence in support of its determined tone of value for main space at the subject hereditament of £45 per m^2. 2 Gresham Road was 3966.44m^2 with a new letting effective from 1 March 2021 at £241,500 per annum. Its tone of value for main space was £50.00 per m^2, and Mr Simango had analysed its rent to £57.33 per m^2. Unit 7 Centrovell Estate was 4290.7m^2 with a new letting effective from 1 May 2020 at £165,500 per annum. Its tone of value for main space was £35.00 per m2, and Mr Simango had analysed its rent £48.94. Units 4 & 5 Centrovell Estate was 1916.3m^2 and had a let agreed effective from 12 July 2020 at £94,000 per annum. Its tone of value for main space was £40 per $m^{2,}$ and Mr Simango had analysed its rent to £48.13 per m^2. Quest Ltd, Seymour Road was 4630.91m^2 and had a lease renewal effective from 1 September 2022 at £192,600 per annum. Its tone of value for main space was £35 per $m^{2,}$ and Mr Simango had analysed its rent to £42.49 per m^2.

20. The Respondent also relied on three comparable assessments with rental evidence on Grovelands Industrial Estate. Unit B was 2182.11m^2 and had a new letting effective from 1 June 2021 at £125,175 per annum. Its tone of value for main space was £56.09 per m^2, and Mr Simango had analysed its rent to £55.08 per m^2. Unit C1 was 2436.79m^2 and had a new letting effect from 1 August 2019 at £143,750 per annum. Its tone of value for main space was £57.50 per m^2, and Mr Simango had analysed its rent to £56.90 per m^2. Unit F was 2360.9m^2 and had a let agreed effective from 1 September 2021 at £142,200 per annum. Its tone of value for main space was £57.50 per m^2, and Mr Simango had analysed its rent to £56.51 per m^2. All of the Respondent's comparable assessments with rental evidence had forms of return (FOR).

21. Mr Simango contended that 2 Gresham Road was a strong comparable to the subject hereditament as it was similar in terms of age and size and was circa 2 miles from it. He acknowledged that it had superior eaves and argued that reflected its slightly higher tone of value of main space of £50 per m^2 when compared to £45 per m^2 for the subject hereditament. He contended that the higher tone of value for main space at Grovelands Industrial Estate reflected the superior location of that site when compared to the subject hereditament as it was closer to the M6.

22. Mr Simango contended that the Appellant's comparable assessments provided limited assistance in determining the correct tone of value at the subject hereditament. Contrary to the Appellant's view that Woodland Garden Ornaments Ltd, Pool Road was similar in terms of age to the subject hereditament, the Respondent's records showed it was built in the 1940s and Mr Simango stated it was therefore significantly older. It was also smaller in size and its rent predated the AVD by a significant margin. He stated that Transol Logistics Ltd and the 30,000sq foot unit on Pool Road lacked sufficient detail as the Respondent did not hold the FOR for them and where therefore unable to verify the assessment and rental information. This was said to be the same for Unit A2 & Unit B Weddington Terrace, and that property was significantly smaller in size than the subject hereditament. Unit 1 Purley Chase Estate was argued to be significantly larger in size than the subject hereditament and Warehouse Unit 2 Purley Chase Estate was older with a lower eaves height of 3.5m, and both were located in a more rural setting.

23. In accordance with *Lotus and Delta*, the panel was unable to consider the first two propositions as the subject hereditament was freehold. Turning to the third proposition, the panel considered the rental evidence of the comparable assessments relied on by the Appellants and Respondent.

24. The panel found that the Respondent's schedule of comparable assessments was more reliable than those provided by the Appellant as they were all supported by verified rental evidence by way of FOR. The panel attached significant weight to 2 Gresham Road as it was similar to the subject hereditament in terms of size and age and had a new letting agreed just one month prior to the AVD. Whilst the panel acknowledged it benefitted from superior eaves height and its location being closer to major roads, it accepted this was fair justification for the difference in the tone of value for main space than at the subject hereditament. The panel considered that the tone of value for main space for the units at Grovelands Industrial Estate of £56.09 per m^2 to £57.50 per m^2, clearly reflected the superior location of that site when compared to that of the subject hereditament, as it was closer to the M6 and would therefore command higher rental levels. Again, the panel found this as fair justification for the subject hereditament's lower tone of value for main space. The panel accepted that the subject hereditament was in a somewhat inferior location and to a degree, specification when compared to the strongest of the Respondent's comparables but did not consider that the Appellants provided sufficiently reliable assessments to justify a tone of value as low as they contended.

25. The panel attached limited weight to Woodland Garden Ornaments Ltd, as, whilst located on the same estate, it was significantly smaller, substantially older according to the Respondent's records, and the rent predated the AVD by a significant margin. As such, the rent would require a significant amount of adjustment and therefore the panel found the assessment to be unreliable. The panel gave limited weight to Transol Logistics and the 30,000 sq ft unit on Pool Road, as the evidence was unsupported by verified documentation. The panel attached limited weight to Unit A2 & Unit B, Weddington Terrace as the property was materially smaller than the subject hereditament and again, it noted the absence of verified rental evidence. The panel placed little weight to Unit 1, Purley Chase Estate as it was significantly larger than the subject hereditament, and also little weight to Warehouse Unit 2, Purley Chase Estate as it was older and had a lower eaves height.

26. Having regard to the evidence deemed reliable submitted by the Respondent and making allowances for the comparable disadvantages of the subject hereditament in terms of specification and location, the panel found that a tone of value for main space of £45 per m^2 was both fair and reasonable.

Conclusion

27. In view of the foregoing, the appeal was dismissed.

Right of further appeal

28. 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 Valuation Tribunal for England (Council Tax Rating and Appeals) (Procedure) Regulations 2009. 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.

29. 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/.

Ms C Edwards, Senior Member (Chair)
Mr S Muldoon, Senior Member
7 April 2026

Mr S Fletcher
Clerk to the Tribunal
Date issued to the parties: 7 April 2026