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

Case No: CHG101190738

Sitting remotely using
Microsoft Teams on
03/03/2026

Date: 27 March 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Offices and premises — Unadjusted base rate — Appeal allowed.

Before:

MR WJ READ
MS C Y JONES

Between:

CHARLES FUSSELL & CO LLP **Appellant**

- and -

NICOLA JOHNSON
(VALUATION OFFICER) **Respondent**

Regarding:

8, BUCKINGHAM STREET, LONDON, WC2N 6BU
(the "subject property")

Mr C Cates for the Appellant
Mr C Wand for the Respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed.

2. The Tribunal Panel found that the rateable value (RV) was unreasonable and determined a RV of £61,500 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. This was a 2023 rating list appeal. The subject property had been entered in the 2023 rating list as “Offices and Premises” at an RV of £69,500 with effect from 1 April 2023. This was based on an unadjusted base rate of £450 per square meter (psm).

4. The challenge proposal was submitted by Ryan Property Tax Services UK Limited on behalf of Charles Fussell & Co LLP and was received by the Valuation Officer (VO) on 6 March 2024. It had been made on the grounds that the RV shown in the 2023 rating list was wrong and proposed a revised RV of £61,500 based on an unadjusted base rate of £400 psm.

5. The VO issued a challenge case decision notice. The VO’s decision was to treat the appellant’s challenge as not well-founded and proposed no change to the rating list.

6. Mr Cates appeared on behalf of the appellant as advocate only. Mr Wand appeared on behalf of the respondent as advocate only.

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

Background

8. The subject property was a Grade II Georgian building over six floors, converted from a former residential dwelling. It measured 197.90m^2 and featured central heating. It was located close to the Charing Cross and Embankment underground stations.

Relevant Law

The Local Government Finance Act 1988

9. Schedule 6 of the Act 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.

10. 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.

11. 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 day is 1 April 2023.

Discussion

12. The leading judgment of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141, referred to in the respondent's submissions, set out six propositions to be followed when considering the weighting of evidence:

    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 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 differing types of evidence depending on the one hand 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.

13. The subject property had a passing rent of £100,000 per annum. This was a lease renewal effective from 1 March 2022 on a seven-year term with five yearly rent reviews. This lease renewal was a nil increase on the previous lease from 2018. Mr Wand analysed the rent to £646 psm.

14. Mr Cates stated that the best evidence was the rent on 21 Buckingham Street. This was a lease renewal for ten years. There were three months' rent free and six months at half rent, with a break clause at year three. The passing rent was £62,000 per annum. Mr Cates had adjusted the rent to £56,480 which analysed to £402.62 psm. Mr Wand had adjusted the rent to £58,298 which analysed to £416.00 psm.

15. Mr Cates talked through an additional rent at 3rd Flr Queens House which had originally been included in the bundle. The parties had agreed that this rent carried less weight due to its location. The panel agreed with this and attributed less weight as 3rd Flr Queens House was located in a different area of London, significantly further from the subject property than any of the other comparable properties and was more than twice the size of the subject property with a different character.

16. Mr Wand referred to four properties in the location which were all new lettings. Gnd Flr Charing Cross Chambers had a passing rent of £42,000 per annum with effect from 1 September 2021 which had been analysed to £452.00 psm. 2nd Flr 40 Craven Street had a passing rent of £24,769 per annum with effect from 1 October 2021 which had been analysed to £476 psm. 4th Flr 40 Craven Street had a passing rent of £33,074 per annum with effect from 1 February 2020 which had been analysed to £496 psm. 13-14 Buckingham Street had a passing rent of £19,250 per annum with effect from 1 September 2021. This rent had been adjusted to £16,650 and analysed to £378.00 psm.

17. Mr Cates contended that, vacant and to let, Mr Wand's comparable properties were not actually comparable. They measured between 49.61m^2 and 93m^2, compared to the subject property at 197.90m^2. He argued that the subject property was one building with one occupier, whereas all of the VO comparables were rooms or floors within a building. A tenant coming fresh to the scene who required a property the size of the subject property, would not be able to take one of the smaller properties.

18. In relation to 21 Buckingham Street, Mr Wand argued that little weight should be attributed to the rent as it was a lease renewal, and he also stated it was between connected parties. Mr Cates disputed this point and clarified there was nothing within the lease that indicated a concessionary rent or any connection outside of the landlord/tenant relationship. Through questioning, Mr Wand stated he considered it to be a connected parties rent as it was a lease renewal and therefore the parties had a prior relationship. The panel accepted that whilst in the literal sense there was a connection between the parties, it did not find this to be a lease between connected parties in the legal sense which relates to connections outside of the letting process, such as between family members or companies with the same directors.

19. The panel considered all of the evidence before it. Little weight was placed on the subject rent due to it being a nil increase lease renewal, too far removed from the AVD.

20. The panel reviewed the map of the location. Two of the comparable properties were on the same street as the subject property. From the images provided, 21 Buckingham Street and 13-14 Buckingham Street were the most comparable to the subject property based on the location and style of property.

21. The panel noted that the VO comparable properties were significantly smaller than the subject property. Whilst they were new lettings, the panel did not place high weight on them as they were not truly comparable. 13-14 Buckingham Street had weight attributed for its location and character as above, however the panel was not satisfied it was truly comparable due to the size of the assessment.

22. The most weight was attributed to 21 Buckingham Street. This was almost identical to the subject property in terms of location, character, and size. The panel accepted it was a lease renewal; however, it was agreed three months prior to the AVD.

23. It was the panel's view that based on the evidence before it, there was a difference in rental values in Buckingham Street, and the RV of the subject property was unreasonable based on this. Mr Wand had accepted through questioning that the evidence on Buckingham Street, including that of 13-14 Buckingham Street, demonstrated this view, however he was looking at the wider basket of evidence which included the surrounding streets.

24. The panel accepted the contention that within London areas were vital and could change within small distances. For this reason, it preferred the direct evidence of Buckingham Street and found there was sufficient evidence to demonstrate a lower value for 8 Buckingham Street.

Conclusion

25. In view of the above findings and conclusions, The Tribunal Panel is satisfied that the RV of the subject property was unreasonable and determined an RV of £61,500 with effect from 1 April 2023 based on an unadjusted base rate of £400 psm. Therefore, the appeal was allowed.

Floor	**Description**	**Area (m^2)**	**£/m^2**	**Value (£)**
Basement	Office	31.40	200.00	6,280
Basement	Vaults	22.30	50.00	1,115
Ground	Office	26.50	400.00	10,600
Ground	Office	11.10	300.00	3,330
First	Office	36.80	400.00	14,720
Second	Office	37.10	380.00	14,098
Third	Office	32.70	360.00	11,772
			Total	**£61,915**

26. The Tribunal Panel orders pursuant to Regulation 38 of the Valuation Tribunal for England (Council Tax and Rating Appeals) (England) Regulations 2009 [SI 2009 No 2269] that the respondent shall alter the 2023 rating list in respect of 8 Buckingham Street, London WC2N 6BU within two weeks.

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 WJ Read, Senior Member (Chair)
Ms C Y Jones, Senior Member
27 March 2026

Mrs S Hodgson
Clerk to the Tribunal
Date issued to the parties: 27 March 2026