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

Case No: CHG101200042 & CHG101225798

Sitting remotely using Microsoft Teams
Date: 16 March 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 Rating List Appeal: Local Government Finance Act 1988; workshop and premises; factory and premises; rental and settlement evidence; Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council 1976; parties revised valuation; appeals dismissed.

Before:
MISS EA HOWARD
MS T SHAAH

Between:

BEVAN GROUP LTD & NEWBREL LTD — **Appellant**

- and -

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

Regarding:
BEVAN GROUP LTD, AMBER WAY, HALESOWEN INDUSTRIAL PARK, HALESOWEN B62 8AY
AND
NEWBREL LTD, GAINSFORD DRIVE, HALESOWEN INDUSTRIAL PARK, HALESOWEN B62 8BG
(the “subject properties”)

Appearances:
M Iles of Ryan LLC, for the Appellant
J Green, for the Respondent

Hearing date: 17 February 2026

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeals are dismissed.

2. The Tribunal finds that the rateable values are reasonable and confirmed a rate of £45/m^2.

STATEMENT OF REASONS

Introduction

3. This was an consolidated hearing of two appeals which had been brought in respect of their 2023 Rating List entries. They were both 1970's industrial properties located on the Halesowen industrial park. The Bevan Group Ltd property was a detached workshop and premises and had a total significant area of 2,217.73m^2. The Newbrel Ltd property was a detached factory and premises with a total significant area of 4,371.20m^2.

4. Challenges were submitted in March and June 2024 which challenged the current ratable values of £102,000 (Bevan Group Ltd) and £201,000 (Newbrel Ltd). Both were currently assessed at £45/m^2. The appellants representative proposed a reduction to £30/m^2 for Bevan Group which results in an RV of £68,500 and £27.50/m^2 for Newbrel which results in a proposed RV of £123,000.

5. In advance of the hearing, the respondent submitted further evidence. The appellant also provided a map of the comparable properties. Both parties agreed to the inclusion of the additional submissions, as such, the evidence was admitted and the hearing proceeded on that basis.

6. Both Mr Green, for the respondent, and Mr Iles, for the appellant, appeared in dual roles of advocate and expert witness. In view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson* (VO) [2018] UKUT 0253 (LC), Mr Iles declared that he was instructed under a conditional fee and declared that he understood that his duty was to the Tribunal.

7. 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.

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

Relevant Law

9. The issue between the parties concerned the RV of the subject property, specifically the unadjusted rate that should apply.

10. The term ‘rateable value’ as defined in paragraph 2(1), Schedule 6 to the Local Government Finance Act 1988 (as amended):

> “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.”

11. The antecedent valuation date (AVD) for 2023 list rating appeals is 1 April 2021. The material day is 1 April 2023.

12. The panel had regard to the six propositions in *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* (1975), which guide the assessment of rental evidence and comparable assessments.

Discussion

13. In reaching its decision, and having regard to the principles derived from *Lotus*, the panel found that the starting point was the rents of the subject properties. Bevan Group Ltd occupied its property on a freehold basis and therefore provided no assistance to the panel. Newbrel Group Ltd had an agreed rent of £240,000 per annum from June 2020, however, this was a connected-party transaction with no external valuer involved. Consequently, it did not meet the statutory definition, and the panel placed little weight upon it.

14. A range of comparables from Halesowen, Oldbury, Lye, Cradley Heath and Dudley Central was examined, with both parties accepting that properties in Halesowen and Oldbury benefit from similar access to the M5 motorway network. The appellant relied primarily on a single letting at Lye Cash & Carry, Bromley Street, Stourbridge, West Midlands, DY9 8HU. This was a 1970s built property held on a new lease effective from November 2021. The rent had been analysed to £21/m^2. While acknowledging that Lye is close to Halesowen, the panel found that the location was inferior and that this single rent did not justify a value significantly below the established tone for Halesowen.

15. The respondent submitted four rents agreed between December 2019 and December 2020, which had analysed between £32.24/m² and £52.12/m². The panel placed less weight on the Shelah Road unit due to long occupation and on the Shenstone Trading Estate property as it was not an open market transaction. The remaining evidence demonstrated a consistent rental tone for industrial premises in Halesowen close to the valuation date. In particular, Unit 15, Chancel Way, analysed at £52.12/m², was considered strong evidence. It was situated on the same estate as the subject properties, was of slightly superior specification, and reflected a genuine open-market letting.

16. The panel also noted that United Industrial Converters, Mucklow Hill, analysed at £32.24/m², related to an older building. When viewed alongside the superior Chancel Way evidence and allowing for age, specification and rental growth to April 2021, the respondents' adopted figure of £45/m² appropriately reflected the relative position of the subject hereditaments. The panel did note that the appellant had questioned the reliability of this rent as it was a rent review discussed by the ratepayer with no advice on the marketplace from any firm of chartered surveyors.

17. The panel was also presented with settlement agreements. When examining this evidence the panel found that it did support a tone of £42.50/m^2 to £45/m^2 for broadly comparable industrial properties. Palviz UK Ltd, Units B & C, Central Avenue, Cradley Heath was a 1972 build located 1.5 miles from the subject properties and was agreed via consent order at £42.50/m². Unit 1, Central Avenue, Cradley Heath was constructed in 1977 and was situated 1.5 miles away and was settled at £45/m². Unit 6, Waterfall Lane Trading Estate, Cradley Heath, which was 1 mile away was agreed by consent order at £42.50/m².

18. The panel considered these settlements to be relevant, as they involved properties of similar age and location within a short radius of the subject hereditaments. Collectively, they provided further confirmation that industrial properties in the Halesowen area commonly settle in the low-to-mid £40s per square metre. As the subject properties benefit from a better position closer to the motorway links, the panel concluded that it was reasonable for their valuation to fall at the upper end of this established tone.

19. Additional settlement evidence from more distant locations, such as GNJ Engineering (Brierley Hill) and Valbruna UK Ltd (West Bromwich) and Unit 3 Bond Street (West Bromwich) were given reduced weight. These properties were located 3 to 5 miles away and therefore not reflective of the locality. The panel found that these were not strong comparables for establishing tone in Halesowen.

20. The settlement at Uni-Chains International, Coombs Wood Way, Halesowen, analysed at £55/m², but it was noted that it related to a significantly newer (2000s) property on a nearby estate. While noted as a sale-and-leaseback, the panel accepted the respondent's position that it still demonstrated market support in the locality. As a higher-specification unit, it provided an upper boundary which supported the £45/m² rate for the older 1970s subject properties.

21. There was also a challenge agreement for Woodpecker Premises, Belfront Trading Estate, Mucklow Hill, Halesowen. There was a challenge agreement for survey unit 1 of the hereditament constructed between 1965-1970 reducing the tone to £25/m^2. The panel noted that this hereditament was older and not representative of the broader Halesowen industrial market. As such, while acknowledged, it found it did not undermine the established tone

evidenced for more modern properties of the 1970s age. Similarly, limited weight was placed on United Industrial Converters, Mucklow Hill. Although the Tribunal had reduced the tone to £30/m², the hereditament dated from 1919–1939 and was therefore significantly older than the subject properties.

22. Having examined all the rental and settlement evidence, the panel found that much of the appellant's material related to properties too remote in location or too dissimilar in age and specification to be persuasive. The comparables from Halesowen and Cradley Heath carried the greatest evidential weight due to their proximity and similarity. These demonstrated that the established tone for older industrial units in the locality consistently fell within the range of £42.50/m² to £52.12/m², with the subject properties appropriately positioned towards the middle-to-upper end of that range. The appellant's lower-value evidence was tied to inferior positions (such as Lye).

23. In such appeals, the burden rests with the appellant to prove that the subject properties rateable value should be reduced, but for the reasons stated, the panel found that the appellant's evidence was not persuasive. It concluded that the adopted rate of £45/m² was fair and reasonable.

Conclusion

24. In view of the above findings and conclusions, the Tribunal is satisfied that the rateable values of the subject properties are reasonable and the appeals were dismissed.

Right of further appeal

25. 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.

26. 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 EA Howard, Senior Member (Chair)
Ms T Shaah, Senior Member
16 March 2026

Mrs C McAvoy
Clerk to the Tribunal
Date issued to the parties: 16 March 2026