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

Case No: CHG101204102
CHG101207474

Sitting remotely using
Microsoft Teams on
20 February 2026

Date: 18 March 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 Rating List Appeals: Local Government Finance Act 1988; Factory and premises; Correct main space rates to be applied; Appeals allowed in part.

Before:

MR K EVERETT
MR J THOMAS

Between:

PARK SHEET METAL COMPANY LIMITED
BAILEY & WADE ENGINEERING CO LTD **Appellants**
- and -
LUCY FORMELA-OSBOURNE
(VALUATION OFFICER) **Respondent**

Regarding:

7, BAYTON ROAD,EXHALL,COVENTRY, CV7 9EL
BAILEY & WADE ENGINEERING CO LTD, 11 BAYTON ROAD, COVENTRY, CV7 9EL
(the “subject properties”)

Mr M Iles, from Ryan Property Tax Services Ltd representing the Appellant
Mr T Simango, representing the Respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeals are allowed-in-part.

2. The Tribunal finds that the existing assessments for the subject properties were excessive, reducing them, effective from 1 April 2023, as follows:

   - 7, Bayton Road,Exhall,Coventry,CV7 9EL: The assessment was reduced from £51,500 RV to £51,000 RV
   - 11 Bayton Road, Coventry, CV7 9EL: The assessment was reduced from £44,750 RV to £42,000 RV

STATEMENT OF REASONS

Introduction

3. The appeals had been made in respect of the following entries in the 2023 Rating List:

   Appeal 1 - CHG101204102, 7, Bayton Road,Exhall,Coventry,CV7 9EL, with a rateable value of £51,500 based on a main space rate of £42.50/m^2 having been reduced following the appellant's challenge from a rateable value of £60,500 which was based on a main space rate of £47.50/m^2.

   Appeal 2 - CHG101207474, Bailey & Wade Engineering Co Ltd, 11 Bayton Road, Coventry, CV7 9EL, with a rateable value of £44,750 based on a main space rate of £45/m^2 having been reduced following the appellant's challenge from a rateable value of £49,750 which was based on a main space rate of £50/m^2.

4. The Appellants' challenges to the Valuation Officer (VO) were made on 8 and 16 April 2024, with the VO decisions issued on 10 and 18 June 2025. The appeals to this Tribunal were made on 26 September 2025.

5. Mr Iles was appearing on behalf of the appellant as 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). He confirmed that he was representing the appellant at the hearing on a contingency fee basis, declaring 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 his client's case.

6. The panel accepted this on the above basis as the appeal is not complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions – general) of the Procedure regulations and is 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.

7. Mr Simango stated that he was appearing in a dual role as both advocate and expert witness for the respondent.

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

Background

9. Prior to the hearing, the clerk had contacted the representatives for both parties, with both agreeing that the appeals be heard together at the hearing. Evidence bundles from the parties had been submitted in respect of each property.

10. The subject properties were both factory's and premises situated on Bayton Road, Coventry. The property at number 7 Bayton Road comprises warehouses and office accommodation, consisting of two survey units, the original built in the 1960s and a newer extension added in 1987. It has a total measurement of 1,361.09m^2, albeit in terms of total significant area its size is recorded as 1174.83m^2. The current value for the 1960s-built Survey Unit is £42.50/m^2, with the 1987-built Survey Unit (Survey unit 2) at £45.00/m^2. The valuations for this property are such that the main space rates shown above are the lower figure applied, with an additional £2.50/m^2 added to the valuation for the 1987 area. The property at 11 Bayton Road comprises one survey unit, measuring 1,268.17m^2 in total, with its size in terms of total significant area at 948.14m^2. It provides workshop, office and storage accommodation over ground, mezzanine and first floors.

11. The appellants sought a reduction in the rateable value of both subject properties, on the basis that the main space rate to be applied should be reduced to £40/m^2. On this basis, the rateable values sought by the appellant effective from 1 April 2023 were as follows:

- Appeal 1: CHG101204102: 7 Bayton Road, Exhall, Coventry,CV7 9EL. RV sought £48,750

- Appeal 2: CHG101207474, Bailey & Wade Engineering Co Ltd, 11 Bayton Road, Coventry, CV7 9EL. RV sought £39,750

Preliminary issue

12. During the week of the hearing, the clerk received emails from the party's representatives, with regard to a revised valuation in respect of the subject property at Bailey & Wade Engineering Co Ltd, 11 Bayton Road. This revised valuation was made following an inspection of this property on 20 January 2026, which identified the presence of air conditioning, solar panels, and storage containers, which were not reflected in the valuation contained within the respondent's decision notice.

13. A further revised valuation for the subject property at Bailey & Wade Engineering Co Ltd, 11 Bayton Road, was received on 19 February 2026, the day prior to the hearing, which took into account remarks from the parties about the revised valuation.

14. At the hearing the appellant's representative confirmed that he had no objections to the revised valuation provided on 19 February 2026, for the subject property, Bailey & Wade Engineering Co Ltd, 11 Bayton Road. With the agreement of the parties and there being no apparent disadvantage for this revised valuation to be included as evidence, with no serious or significant breach, the panel decided that it was fair and reasonable to consider the appeal, CHG101207474, based on this most recent valuation.

Relevant Law

15. When arriving at its decision, the Tribunal is governed by rating legislation laid down by Parliament. Schedule 6 to the Local Government Finance Act 1988, as amended by section 1(2) of the Rating (Valuation) Act 1999, defines the Rateable Value of a non-domestic property as the amount equal to the rent at which it is estimated the property might reasonably be expected to let on a year to year basis 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 the 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 2020 (SI 2020 No. 832). In respect of this appeal the material day is 1 April 2023.

Discussion

17. The issue for the panel to determine was if the current main space rates were excessive. Mr Simango supported the existing rates of £42.50/m^2 and £45/m^2. Mr Iles sought a reduced rate of £40/m^2 stating that the RV's for both subject properties were over-assessed.

18. The panel was aware that the Lands Tribunal judgment in *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 provided authoritative guidance on the weight to be attached to rental and assessment evidence. This case had established six propositions that gave clear guidance to be followed when assessing rateable value. Bearing these six propositions in mind, the panel acknowledged that the rent on the subject property, where available, was considered to be the correct starting point and consideration to how that rent compared to the statutory definition of rateable value. The rents on similar properties were also considered and assessments on other comparable properties may also be relevant. All of the evidence could then be weighted.

19. In considering whether the current RV's were reasonable, the panel turned firstly to the rents passing on the subject properties. Whilst both representatives agreed that the panel should not attach significant weight to the rent in respect of 11 Bayton Road, Mr Simango contended that the rent in respect of 7 Bayton Road was a useful starting point, with the passing rent for this property worthy of a degree of consideration. Contrary to Mr Iles, the respondent's representative stated that the rent in respect of 7 Bayton Road, which analysed at £60.39/m^2, based on a new lease effective from 1 November 2022, was not between connected parties.

20. In these appeals, in support of their respective cases, reference was made in the evidence bundles to the rents of comparable properties, the majority of which were located on Bayton Road, and fell in the same valuation scheme, as the subject properties. During verbal testimony, reference was not made to comparable properties situated away from Bayton

Road. In these appeals, consideration was given to determining the most useful and appropriate comparable rents, to arrive at a reasonable main space rate for both properties.

21. The predicament facing the panel was the absence of comparable rents in terms of size, age and proximity to the AVD. During the hearing, reference was made to the sizes of the comparable properties. The panel established that when making comparisons with other properties, the size to which regard be given, was the measurement of each property in terms of total significant area.

22. The main issue was that in these appeals there was an absence of rents close to the AVD. Different rents were referred to by the respondent in defence of the existing assessments of both subject property's. To support the existing main space rate of £42.50/m^2 of 7 Bayton Road, in addition to the aforementioned rent of this property, which analysed at £60.39/m^2, the rents of 45 and 40 Bayton Road, both similar in age to the subject properties, were submitted. The rent for 45 Bayton Road, which analysed at £41.87/m^2, was based on a rent effective from March 2019, on a new lease. This property was smaller in size than both subject properties, measuring 716.12m^2 in terms of total significant area. The appellant's representative suggested that this rent supported his case, when taking into account the size of this comparable property and factoring in quantum.

23. Significantly larger in size than both subject properties, at 1698.04m^2, in terms of total significant area, was 40 Bayton Road, which from a lease renewal, had a rent effective from 1 April 2022 analysing at £45.61/m^2. Both parties referred to other rents in respect of this property, with the respondent's representative submitting a rent agreed on a new lease, effective from 1 April 2017, analysing at £23.57/m^2. The appellant's representative referred to a rent effective from 1 April 2020, based on a rent review, stated to analyse at £38.36/m^2.

24. Both parties had commented about two other properties of similar size, the first of which was 45A Bayton Road. This was a new letting, with a rent which analysed effective from November 2020 at £58.25/m^2 according to the respondent, however according to the appellant's calculation, analysed at £41.38/m^2. This property, at 438.30m^2 in terms of total significant area, was considerably smaller than both subject properties. The rent for the other property, Unit 6, Bayton Road, measuring 428.57m^2, analysed at £44.01/m^2, on a lease renewal rent effective from 1 September 2020.

25. The respondent, in support of the main space rate for 11 Bayton Road, provided rental evidence in respect of Unit 1 and Unit 2, 24 Bayton Road, as well as the property known as 14 & 16 Bayton Road. The two properties at 24 Bayton Road, whilst not too dissimilar in size to 11 Bayton Road, were of a different age to this subject property. The rent for Unit 2 was agreed in November 2019, with the analysed rent of £59.74/m^2 effective from December 2020 for Unit 1 agreed following a rent review. Whilst analysing at £47.86/m^2, the respondent stated little weight be attached to 14 & 16 Bayton Road.

26. The panel could not find a particular item of evidence which it regarded as compelling when accounting for size, age, rental terms, and proximity to the AVD, noting the pros and cons of the comparable properties provided by the parties. In reaching a decision, whilst the panel decided that quantum needed to be considered and accounted for, it was not convinced however that the evidence presented substantiated a reduction in the main space rate to £40/m^2, as requested by the appellant. Notwithstanding, the panel was also not persuaded by the approach of the respondent that the evidence demonstrated growth in rental values to support the existing main space rates. The panel could not presume that any growth was linear, valuation was not scientific and was less reliable when demonstrating this via

comparisons of properties different in size. Furthermore, the evidence did not signify when the growth occurred. In taking a stand back and look approach at the basket of evidence, the panel found a main space rate of £42/m^2 to be fair and reasonable, with a £2.50/m^2 uplift, in respect of the 1980's survey unit area of 7 Bayton Road.

Conclusion

27. In view of the above findings and conclusions, the panel was satisfied that the current assessments were excessive. The panel determined that assessments of £51,000 RV and £42,000 RV more accurately reflected the attributes of the subject properties, and the panel calculated revised valuations, as shown below:

7 Bayton Road, Exhall, Coventry CV7 9EL

Ref	Floor	Description	Area m^2	£/m^2	Relativity	Value (£)
1.1	Ground	Production Area	574.75	42.00	1.00	24,139
1.2	Ground	Office	63.16	42.00	1.2	3,138
2.1	Ground	Production Area (Survey unit 2)	254.24	44.50	1.00	11,314
2.2	Ground	Workshop (Survey unit 2)	72.60	44.50	1.00	3,231
2.3	Ground	Workshop (Survey unit 2)	67.59	44.50	1.00	3,008
2.4	Ground	Mess / Staff Room (Survey unit 2)	20.01	44.50	1.1	979
2.5	Ground	Canopy (Survey unit 2)	186.26	44.50	0.15	1,243
2.6	Ground	Office (Survey unit 2)	11.04	44.50	1.2	590
2.7	First	Office (Survey unit 2)	96.04	44.50	1.2	5,129
2.8	First	Office (Survey unit 2)	15.40	44.50	1.2	822
			Valuation Sub Total			53,593
ADDITIONAL FEATURES OF THE PROPERTY INCLUDED IN THE VALUATION						
	Plant and Machinery					305
	Valuation Total					53,898
ADJUSTMENTS MADE TO THE SUB TOTAL						
	Layout -5%					2695
	Valuation Total					51,203
	Say £51,000 Rateable Value, with effect from 1 April 2023					

Bailey & Wade Engineering Co Ltd, 11 Bayton Road, Exhall, Coventry CV7 9EL

Ref	Floor	Description	Area m^2	£/m^2	Relativity	Value (£)
1.1	Ground	Front Workshop	534.37	42.00	0.95	21,321
1.2	Ground	Office	44.69	42.00	1.2	2,252
1.3	First	Office	63.45	42.00	1.1	2,931
1.4	Ground	Rear Workshop	305.63	42.00	0.7	8,985
1.5	Mezzanine	Internal Storage	261.56	42.00	0.4875	5,355
1.6	Mezzanine	Messroom / Stores	44.07	42.00	0.4875	902
1.7	Ground	External Stores	14.40	42.00	0.15	91
			Valuation Sub Total			41,387
ADDITIONAL FEATURES OF THE PROPERTY INCLUDED IN THE VALUATION						
	2 x 15ft Storage Containers		2.00	60.00	1.00	120
	Plant and Machinery					286
	Valuation Total					42,243
	Say £42,000 Rateable Value, with effect from 1 April 2023					

Order

28. Accordingly, the Tribunal Panel order the Valuation Officer to reduce the entries in the 2023 Rating List for 7, and 11 Bayton Road, Coventry to £51,000 and £42,000 RV, respectively, with effect from 1 April 2023, within two weeks of the date of this Order.

29. The Appellant is also entitled to a full refund of the fees paid in accordance with regulation 13E(1)(a) of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009 (as amended).

Right of further appeal

30. 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.

31. 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 K Everett, Senior Member (Chair)
Mr J Thomas, Senior Member
18 March 2026

Mr R Patel
Clerk to the Tribunal
Date issued to the parties: 18 March 2026