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

Case No: CHG101210060

Sitting remotely using
Microsoft Teams

Date: 20 February 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

Non-domestic rating appeal; 2023 Rating List; offices and premises; tone of value of main space; appeal allowed-in-part

Before:

MRS S MALIK
MR K SHETH

Between:

FRAXINUS LTD **Appellant**

- and -

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

Regarding:

UNIT 2, THE OLD MILL, UTTOXETER ST14 8AF
(the "subject property")

Mr RW Riley, of Rupert David Ltd for the **Appellant**
Mr M Adepoju, for the **Respondent**

Hearing date: 3 February 2026

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed-in-part.

2. The panel determined the rateable value (RV) of the subject hereditament to be £20,500 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. This appeal has been brought in respect of Unit 2, The Old Mill, Uttoxeter ST14 8AF (the "subject property"), which was entered in the 2023 rating list as 'offices and premises' at RV £30,000, effective from 1 April 2023.

4. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, an appeal was made to the Valuation Tribunal for England (VTE) on behalf of European Tyre Enterprise Ltd. The appeal was made because the appellant did not agree with the Valuation Officer's decision not to alter the 2023 rating list following the challenge. The appellant sought a reduction to RV £13,750 with effect from 1 April 2023.

5. The appellant's representative, when appearing as expert witness, stated that he was not on a conditional fee arrangement. He also stated that he understood and accepted that his first duty was to the VTE in giving his evidence, whether or not the evidence supported his client's case.

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

Background

7. The subject property is a is a three storey former mill building of traditional construction. Originally converted for use as a furniture showroom it has more recently been used for training purposes and for offices. The property is located in the centre of the market town of Uttoxeter close to the High Street.

8. The appeal to the VTE was made on the grounds that the valuation for the subject property was not reasonable.

9. The base level of value adopted for the subject property was not agreed. The valuation officer had adopted £61.75/m^2, however, the appellant's representative sought a reduction to £29.54/m^2 in his revised analysis which resulted in a rateable value of £13,750.

Relevant Law

10. The term 'rateable value' is defined in 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".

Discussion

11. The panel had to determine the rateable value for the subject property, which represented a rent that a hypothetical landlord and tenant would agree, as at the AVD, 1 April 2021. The common date was used to ensure that every property was treated in a consistent way.

12. 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. The rent on the subject property was considered to be the correct starting point but, where available, rents on similar properties were also to be considered. The assessments on other comparable properties may also be relevant. All of the evidence could then be weighted.

13. The panel noted that in this appeal the subject property is held on a new five year lease commencing 16 December 2020 at £15,000 per annum (p.a.), with a six month rent free; it had been analysed to £29.54/m^2. Whilst the panel noted that this was relatively close to the AVD it found this to be a good starting point when considering the RV.

14. In his decision notice the valuation officer had stated that this rent was not reflective of the open market value as at AVD of 1 April 2021, furthermore, it was not believed to be an arm's length agreement. At the hearing Mr Adepoju explained that this was a non-profit rent which could not be relied upon because it had been agreed at a lower rate due to the tenant being a non-profit making organisation, he believed that the current RV reflected similar premises and was fair and reasonable. Mr Riley argued that this was not the case, the property had been marketed at £19,500 p.a., and the rent had been negotiated and agreed at £15,000; it was not affected by the fact that the tenant was a non-profit making organisation. The panel could see no evidence to suggest that this was a 'non-profit' rent, and it therefore attached weight to it as appropriate.

15. The panel turned to other rental evidence, the only rent referred to was Ground & First Floor The Vestry, Springfield Road, Uttoxeter ST14 7JX. This was a new letting, with a rent of £15,000 with effect from 1 November 2020. Mr Adepoju argued that this was smaller property with an area of 102.28m^2 which was within the same locality as the subject. This property had achieved similar rent to the subject property even though the subject property was five times larger at 489.09m^2, this suggested to Mr Adepoju that the rent on the subject had external factors influencing it and he therefore argued that the rateable value of the subject valued at £61.75/m^2 as at 1 April 2023 was reasonable. The panel noted that this was a more

modern office which also had nine car parking spaces, the panel attached moderate weight to this evidence.

16. Mr Adepoju also argued that the appellant had made improvements to the property and in his opinion, this was an average quality office. Mr Riley's opinion was that this was a poor quality office building and as such should be in a scheme for poor quality offices rather than average, he stated that there was no central heating or double glazing and the walls were bare brick, the top floor was only suitable for storage, and no alterations had been made apart from the addition of carpeting and decoration. Unfortunately, in cases of this nature the burden of proof is on the appellant's representative and Mr Riley had not provided any photographic evidence to support his argument regarding the quality of the building, the panel therefore determined that, without any evidence to the contrary, the offices were of average quality.

17. Having had regard to the full basket of evidence and the arguments submitted by the parties the panel found that the tone of £61.75/m^2 was unreasonable. It determined that an RV of £20,500 based on £40.00/m^2 was fair and reasonable as follows:

Valuation				Base / Rate		£40.00
Floor	Description	Area m^2	Relativity	£/m^2		Value
ground	office	138.75	1		£40.00	£5,550.00
ground	office	6.6	1		£40.00	£264.00
ground	kitchen	6.7	1		£40.00	£268.00
first	office	207.3	1		£40.00	£8,292.00
second	office	207.3	0.75		£30.00	£6,219.00
				Total		£20,593.00
				Say RV		£20,500

Conclusion

18. In view of the above findings and conclusions, the appeal was allowed in part.

19. The Tribunal Panel orders under the provisions of regulation 38(4) of The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Tribunal for England orders the Valuation Officer to amend the entry in the rating list to show a revised assessment of £20,500 RV for the subject property, with effect from 1 April 2023.

20. Under regulation 38(9), the Valuation Officer must comply with this order within two weeks of the date of its making.

21. The appellant is also entitled to a full refund of the fee paid in accordance with regulation 13E(1)(a) of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009 (as amended) provided there is no review of the Tribunal's decision. The refund will take around six weeks to process.

Right of further appeal

22. 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.

23. 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/.

Mrs S Malik, Senior Member (Chair)
Mr K Sheth, Senior Member
20 February 2026

Mrs H Beresford
Clerk to the Tribunal
Date issued to the parties: 20 February 2026