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

Case No: CHG101210169

Sitting remotely using
Microsoft Teams on
11 August 2026

Date: 10 September 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Lotus and Delta v Culverwell (VO) and Leicester City Council [1976] RA 141 — Main Space Price — Workshop and premises— appeal dismissed

Before:

MR A HETHERTON
MR APS CRAWFORD

Between:

THE SOUTHERN MOTOR GROUP LIMITED **Appellant**

- and -

ANDREW MOULAND
(VALUATION OFFICER) **Respondent**

Regarding:

22, LANSDOWNE ROAD, CROYDON CR0 2BD
(the "subject property")

Mr Andrew Hair for **Ryan Property Tax services** for the Appellant
Mr Simon Forbes for the **Respondent**

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal finds that the current RV of £234,000 was reasonable.

STATEMENT OF REASONS

Introduction

3. The appellant company had made a challenge against the accuracy of the compiled list assessment for the subject property in the 2023 Rating List, by way of a proposal that was served on the Valuation Officer (VO) on 22 April 2024. After considering the proposal and evidence submitted during the challenge period, the VO decided that the proposal was not well founded.

4. A Decision notice to this effect was served on the appellant on 16 September 2025. The appellant company then appealed the VO's decision to the Tribunal on 29 October 2025, on the grounds that the current valuation for the hereditament was not reasonable, under regulation 13A of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009.

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

Background

6. The subject property was Workshop and Premises with an agreed total area of 1,655m² ITMS. The RV was £234,000 and had been valued based on an unadjusted main space price of £100/m². Mr Hair was seeking a RV of £209,000 based on a main space price of £85/m².

7. The subject property was mainly used to repair commercial vehicles with a small showroom, so it did give the appearance of a car showroom from the photograph that had been provided. The external photograph also showed that it was located within a residential area. Allowances of 5% and 2.5% had been granted due to the split unit and the mixed age.

8. The evidence bundles before the panel comprised all of the evidence disclosed and exchanged during challenge which included the parties' comparable assessments, skeleton arguments, an external photograph of the subject property and the VO's comparable assessments and Mr Hair's revised valuation.

9. As Mr Hair appeared on behalf of the appellant as both advocate and expert witness, the clerk asked 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) dated 3 August 2018.

10. He declared that he was employed by the appellant company. However, Mr Hair confirmed 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.

11. The panel accepted this expert witness evidence 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[1] 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).

12. Mr Forbes confirmed that he was representing the VO as advocate and expert witness. He was not on a contingency fee and confirmed his first duty was to the Tribunal.

13. The panel noted that Mr Hair had not inspected the subject property, which appeared to be at odds with his role as expert. The panel had noted that Mr Forbes had inspected the subject property externally.

14. For 2023 rating list appeals the Antecedent Valuation Date (AVD) is 1 April 2021. The material date for the subject properties was 1 April 2023.

Relevant Law

15. 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; and*
>
> *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

16. In the case under consideration, the panel had analysed the competing evidence having regard to the authoritative guidance in *Lotus & Delta v Culverwell (VO) and Leicester City Council* [1976] RA141 dated 20 May 1976. The rent on the subject property is considered to be the correct starting point but, where available, rents on similar properties are also to be taken into account. The assessments on other comparable properties may also be relevant. All of the evidence can then be weighted.

[1] The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 [SI 2009 No2269]

17. In terms of rental evidence, the passing rent for the subject property was £220,000 which had been analysed to £88.20/m^2. The lease was renewed at a rent of £220,000 effective from 1 August 2022. This was just over 16 months from the Antecedent Valuation Date (AVD) which the panel considered was too far from the AVD to be reliable. There are Upper Tribunal judgments where little weight was applied to post AVD rental evidence (*Specialeyes PLC v Felgate* (VO) (RA/387/1992) dated 15 July 1994 and *Flight Centre (UK) Limited v Mr Ricketts* (Valuation Officer) [2021] UKUT 0315 (LC) dated 31 December 2021).

18. The panel understood from the parties' evidence that the previous owner went into liquidation. It was then purchased by Network Rail and the subject property was then initially held on a three year peppercorn rent from 2019. However, apart from explaining the reason why there was not a previous rent, the panel did not consider this to be important.

19. As Mr Hair was reliant on the rent for the subject property, he did not produce any other rental or tonal evidence and therefore the panel turned to the VO's evidence.

20. The VO had produced four rents. Two of them were new leases which commenced on 1 April 2020 (23-41 Shirley Road) and 1 November 2021 (59 Imperial Way). The other two rents were a rent review and rent renewal which the panel applied less weight to as there was a new lease and therefore, the panel preferred the rent for 59 Imperial Way, especially as it was broadly similar in size to the subject property. 23-41 Shirley Road was substantially smaller with an area of 389m^2 ITMS and therefore the rent in respect of this property did not assist the panel to determine the RV in respect of the subject property.

21. Although the lease for 59 Imperial Way commenced on 1 November 2021, during questioning, the clerk referred to the Upper Tribunal judgment of *Lamb (VO) v Go Outdoors Ltd* [2015] UKUT 0366 (LC) dated 16 July 2015. In that judgment, P Mc Crea FRICS applied significant weight to the rent for the subject property as the heads of terms were agreed shortly after the AVD, with the lease being signed sometime later in December.

22. In response, Mr Forbes confirmed that the rent had been agreed in March 2021. The panel applied significant weight to this rent as it was a new tenant coming fresh to the scene with a rent being agreed very close to the AVD. The VO had analysed the rent to £111.61 although it was in the rating list with a main space price of £107.50/m^2.

23. The VO had noted that the landlord was responsible for the insurance. From the photographs, 59 Imperial Way did not have the same appearance and it looked like it had been built in the 1950s/1960s, compared to the subject property which had been built in the 1930s and 1980s, as acknowledged with the allowance and one of the workshops for the subject property had been given a relativity of .775 to reflect the age.

Conclusion

24. The panel was disappointed that there was a lack of evidence presented by the appellant although it also understood that Mr Hair was given the appeal to present on behalf of Ryan Property Tax services shortly before the hearing.

25. Although the VO presented the rents for four properties, as outlined above, the panel applied less weight to two of them as they were substantially smaller and one of then was a rent review although the rent analysed to £124/m^2 which did support the current main space price for the subject property at £100/m^2. This main space price was also supported by the rent for

59 Imperial Way which the panel had applied significant weight to, for the reasons set out above.

26. In view of the above findings and conclusions, the Tribunal is satisfied that the current RV and main space price of £100/m^2 was reasonable and it dismissed the appeal.

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 A Hetherton, Presiding Senior Member
Mr APS Crawford, Senior Member
10 September 2026

Mr Richard Gath IRRV (Hons)
Clerk to the Tribunal
Date issued to the parties: 10 September 2026