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

Case Nos: CHG101215763

Sitting remotely using Microsoft Teams

Date: 10 October 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — shop and premises; Zone A price per m^2 in dispute; rental evidence; Lotus and Delta v Culverwell (VO) and Leicester City Council [1976] RA 141; appeal dismissed.

Before:
MR P BLYTHE-BARTRAM
MR A HUSSAIN

Between:

NIRVANA CAMDEN LTD — **Appellant**

- and -

NICOLA JOHNSON (VALUATION OFFICER) — **Respondent**

Regarding:
BST & GRD FLR 243 CAMDEN HIGH STREET, LONDON, NW1 7BU
(the “subject property”)

Mr J Fitzsimmons from Ryan, representing the Appellant
Mr M Buckingham for the Respondent

Hearing date: 23 September 10:00

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed.

2. The Tribunal found that the entry in the 2023 rating list was not unreasonable, and confirmed the rateable value (RV) of £90,500 with effect from 1 April 2023.

Introduction

3. This is a 2023 rating list appeal. Bst & Gnd Flr 243 Camden High Street, London NW1 7BU (the 'subject property') had been entered in the 2023 rating list as 'shop and premises' at £90,500 RV with effect from 1 April 2023. This was based upon an adopted Zone A price of £1,975 per m^2.

4. The challenge proposal was submitted by Altus Group (now Ryan) on behalf of Nirvana Camden Ltd, and was received by the Valuation Officer on 3 May 2024. It had been made on the grounds that the RV shown in the rating list on 1 April 2023 was inaccurate. A revised RV of £64,000, based upon a Zone A price of £1,400 per m^2 was proposed with effect from 1 April 2023.

5. The Valuation Officer issued a challenge case decision notice on 21 March 2025, which stated that, based upon the evidence and information available, the rating list entry was reasonable and there would be no change.

6. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appeal to this Tribunal has been made on the grounds that the valuation for the hereditament is not reasonable. The appeal was received by the Tribunal on 17 April 2025.

7. The hearing of the subject appeal was combined with an appeal made on the same grounds in respect of Bst & Gnd Flr 247 Camden High Street, London NW1 7BY, appeal number CHG101267655.

8. Mr Fitzsimmons appeared on behalf of the appellant as both advocate and expert witness. In view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), he declared that he was instructed on a contingency based fee, and that he understood and accepted that his duty was to the Tribunal in giving his evidence, and that 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.

9. The panel accepted this expert witness evidence on the above basis as the appeal was not 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 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).

10. The panel therefore considered the "expert" evidence and attached such weight to it as it saw fit.

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

Relevant Law

12. Rateable value is to be determined in accordance with paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988, which provides:

    “(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.

13. 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. As this was a compiled list appeal, the material day (the date by which physical factors must be taken into account) was 1 April 2023, in accordance with the Non Domestic Rating (Material Day for List Alterations) Regulations 1992 (SI 1992 No. 556) as amended.

Discussion

14. The subject property is a retail unit located along Camden High Street. The total area of the property is 107.77m^2, or 45.88m^2 in terms of main space (ITMS). The present valuation of £90,500 RV is based upon an adopted Zone A price of £1,975 per m^2.

15. On behalf of the appellant, Mr Fitzsimmons sought a revised Zone A price of £1,400 per m^2, based upon his rental analysis of the subject property. For the Valuation Officer, Mr Buckingham defended the present Zone A price of £1,975 per m^2 with reference to rental evidence in respect of 225, Bst & Gnd Flr 239 and Bst & Gnd Flr 247 Camden High Street.

16. Both parties had referred to the leading judgment of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141, which set out six propositions to be followed when considering the weighting of 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 taken into account. The assessments on other comparable properties may also be relevant. All of the evidence could then be weighted.

17. Mr Fitzsimmons submitted that the subject rent carried the most weight, with a new letting effective from 20 November 2020, which he analysed at £1,403.66 per m^2. The Valuation Officer’s analysis was lower at £1,360.07 per m^2, however, attention was drawn to the fact that the rent passing had been agreed at £62,400 since 2012. It had remained at £62,400

over three separate lease events: a new letting in November 2015, a rent review in 2018 and another new letting in 2020. On that basis, the Valuation Officer attached little weight to the subject rent, given that the market was known to have increased over the lease event periods, yet the rent had remained static; this suggested that the rent passing does not act as a reliable representation of open market value.

18. The Valuation Officer further highlighted that the new letting in 2015 had been agreed for a nine year term expiring in 2024, yet in the challenge statement, it was stated that the rent passing is a new lease effective from November 2020 under a different company name to the 2015 new letting, but with the same director (according to Companies House). As at the date of the Valuation Officer's challenge decision notice, no further details of the lease had been provided.

19. During cross examination, Mr Fitzsimmons confirmed that the director had resigned in 2015, and had taken a new lease in 2020 with his own company; he was unable to confirm if there was any connection to the shareholders. In response, Mr Buckingham stated that it was still his opinion that there was a connected party issue. While Mr Fitzsimmons offered to provide a copy of the lease, the panel considered that there had been several opportunities for the lease to be provided prior to the hearing.

20. Taking into account that the rent had remained at £62,400 since 2012, together with the uncertainty over whether the parties were connected, the panel decided that little weight could be attached to the subject rent. The panel therefore turned to the rental evidence scheduled by the Valuation Officer:

225 Camden High Street

A retail unit of 103.08m^2, or 43.65m^2 ITMS, subject to a lease renewal, the rent effective from 1 November 2020 analysed at £1,947 per m^2.

Bst & Gnd Flr 239 Camden High Street

A retail unit of 124.88m^2, or 34.25m^2 ITMS, subject to a lease renewal, the rent effective from 1 March 2022 analysed at £2,535.77 per m^2.

Bst & Gnd Flr 247 Camden High Street

A retail unit of 111.63m^2, or 39.22m^2 ITMS, the rent effective from 1 June 2022 analysed at £2,208.50 per m^2.

21. While the panel acknowledged Mr Fitzsimmons' contention that low weight should be attached to the post AVD rental transactions in respect of Bst & Gnd Flr 239 and Bst & Gnd Flr 247 Camden High Street, the panel considered that they formed part of the basket of evidence. The panel noted that the rent closest to the AVD analysed at £1,947 per m^2, which was significantly higher than the parties' analysis of the subject property.

22. In the proposed alteration of the Zone A price from £1,975 to £1,400 per m^2, the appellant's representative had relied solely upon his analysis of the subject rent. For the reasons outlined previously, the panel was not persuaded that the subject rent provided reliable evidence of an open market transaction. Ultimately, the guidance from *Lotus and Delta*

required consideration of all of the available evidence. In doing so, the panel held that the weight of the evidence presented demonstrated that the Zone A price of £1,975 per m^2 for the subject property was not excessive.

Determination

23. In view of the above findings, the Tribunal concluded that the rateable value of the subject property was not unreasonable and therefore the appeal was dismissed.

Right of further appeal

24. 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) within **four weeks** of the date this decision and statement of reasons is issued.

25. 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 P Blythe-Bartram, Senior Member (Presiding)

Mr A Hussain, Senior Member

10 October 2025

Mrs L Horne
Clerk to the Tribunal
Date issued to the parties: 10 October 2025