



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

Case No: CHG101225880

Sitting remotely using
Microsoft Teams on
31 March 2026

Date: 17 April 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — 2023 rating list appeal; Shop and premises; Compiled List Entry; Price per square metre; Rental evidence/assessment of comparable properties; Lotus and Delta v Culverwell (VO) & Leicester City Council [1976] RA 141; Appeal dismissed.

Before:

**MR G MCGILL
MRS PA CROWTHER-NEWMAN
MS S ELVES**

Between:

THE WORKS STORES LTD

Appellant

- and -

**LUCY FORMELA-OSBORNE
(VALUATION OFFICER)**

Respondent

Regarding:

**2B BRUNEL PLAZA, SWINDON SN1 1LF
(the “appeal property”)**

Mr D Bullimore of Lambert Smith Hampton (Appellant’s Representative)
Mr S Gedara (Respondent’s Representative)

DECISION AND STATEMENT OF REASONS

© CROWN COPYRIGHT 2026

DECISION

1. The appeal is dismissed.
2. The Tribunal finds that the current assessment of £29,500 Rateable Value (RV), with effect from 1 April 2023 was reasonable.

STATEMENT OF REASONS

Introduction

3. The challenge proposal was submitted by the appellant's representative and was received by the Valuation Officer (VO) on 4 June 2024. It had been made on the grounds that the RV shown in the rating list of £32,750 on 1 April 2023 was inaccurate. A revised RV of £16,250 was proposed with effect from 1 April 2023, based upon a reduced unadjusted rate from £445/m² to £220/m².
4. The VO issued a challenge decision notice on 2 July 2025 in which it reduced the unadjusted rate from £445/m² to £400/m² resulting in a reduced RV of £29,500.
5. 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 lodged by the appellant's representative on behalf of the appellant and received by the Tribunal on 25 October 2025.
6. Mr Bullimore appeared on behalf of the appellant as both advocate and expert witness and declared that he was employed on a contingency fee basis. In view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), Mr Bullimore understood and accepted that his duty is to the Tribunal in giving his evidence and he will comply with this as well as the requirements of his professional body regardless of whether or not the evidence supports his client's case.
7. 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 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).
8. The panel hearing the evidence considered the "expert" evidence and assessed what weight, if any, it should give to it in the context of the matters in issue before it.
9. Mr Gedara was representing the VO in the dual role of advocate and expert witness.
10. This statement of reasons is not and does not purport to be a full verbatim record of proceedings.

Background

11. The appeal property was a shop located in the retail shopping centre of Brunel Plaza, Swindon. It was just 0.5 miles away from the railway station. Brunel Plaza contains several retail and commercial units.
12. The appeal property has a retail area to the front, store and office to the rear and W/C. It consists of a ground floor Zone A to C retail and remaining retail zone with A/C. It has a total area of 158.3m² and a total area in terms of main space (ITMS) of 72.6m².

Relevant Law

13. The issue before the panel was to determine the correct valuation for the subject property with effect from 1 April 2023. 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.
14. The material day (the date by which physical factors have to be taken into account) was provided by the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 (SI 1992/556) as amended. In respect of the subject appeal, the material day is 1 April 2023.
15. The subject property must be valued for the purpose of non-domestic rating on the basis of the rent at which it might reasonably be expected to let from year to year on a number of assumptions (see paragraph 2(1) of Schedule 6 of the Local Government Finance Act 1988).
16. The panel was aware of the Lands Tribunal judgment of *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* [1976] RA 141 cited by the parties. This case had established six propositions, which gave clear guidance to be followed, namely:
 - (1) 'Where the hereditament which is the subject of consideration is actually let that rent should be taken as the starting point.
 - (2) The more closely the circumstances under which the rent agreed both as to time, subject matter and conditions relate to the statutory requirements contained in the definition of Gross Value in s.19(6) of the General Rate Act 1976 the more weight should be attached to it.
 - (3) Where rents of similar properties are available, they too are to be properly looked at through the eye of the valuer in order to confirm or otherwise the level of value indicated by the actual rent of the subject property.
 - (4) Assessments of other comparable properties are relevant. When a valuation list is prepared these assessments are to be taken as indicating comparative values estimated by the Valuation Officer. In subsequent proceedings on that list therefore they can properly be referred to as giving an indication of that opinion.
 - (5) In light of all the evidence an opinion can then be formed of the value of the appeal hereditament, the weight to be attributed to the differing types of evidence depending on the one hand on the nature of the actual rent and on the other hand, on the degree of comparability found in other properties.
 - (6) In those cases where there are no rents available of comparable properties a review of other assessments may be helpful but, in such circumstances, it would be clearly more

difficult to reject the evidence of the actual rent.'

Discussion

17. Mr Bullimore stated that the rent for the appeal property was held on a very low rent which was unusual. It had zero rent for most of the year and then a positive rent during November and December. He had analysed this to £19.83/m². The VO placed little weight on this rent as he considered it to be an outlier.
18. In support of a reduced RV, he relied on 8 Brunel Plaza, which was occupied by Claires Accessories. The rent on this property analysed to £276.52/m² on a lease renewal from November 2020. It had a disagreed challenge submitted by Mr Bullimore which the VO had also reduced to £400/m². There had been no appeal submitted against this property due to it going into administration. He also relied upon 1A Brunel Plaza, which was occupied by the Perfume Shop. The rent on this analysed to £220.51/m² and was a lease renewal from September 2020.
19. In response the VO stated that he had considered the broader rent pattern, having regard to neighbouring streets. Regent Street had been well founded with an ITZA range of £350 to £400 depending on footfall. 7 Havelock Square had been well founded at £435 ITZA suggesting a higher footfall for streets connected to Brunel Plaza. Brunel Plaza benefited from a dual entrance from Canal Walk and Havelock Square. They offered a mix of restaurants on the first floor and retail units which contributed to attracting and retaining footfall within the mall, supporting either similar or higher rental values for the ground floor units.
20. The VO attached greater weight to the rents on 12 Brunel Plaza which analysed to £463.98/m² and 7 Brunel Plaza which he had analysed to £400/m². Both were lease renewals from 1 July 2021.
21. The VO referred to settlement evidence of other properties that had been agreed at £400/m². These were 5 Brunel Plaza, located within the mall itself. 17 Canal Walk which was located at the very entrance to Brunel Plaza, 5 Regent Street and 7 Regent Street.
22. Having regard to the evidence presented the panel held that the rental evidence relied upon by the appellant's representative was too far removed from the AVD in comparison to the VO's rental evidence which was three months pre-AVD. The rental evidence relied upon by the VO supported a reduced rate of £400/m².

Conclusion

23. In view of the above findings, the panel held that the unadjusted rate was not excessive and 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) using Form T385 (Notice of appeal) within **four weeks** of the date this decision and statement of reasons was 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 G McGill, Senior Member (Presiding)
Mrs PA Crowther-Newman, Senior Member
Ms S Elves, Senior Member
27 April 2026

Miss K Hendry
Clerk to the Tribunal

Date issued to the parties: 27 April 2026