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

Case No: CHG101226208

Sitting remotely using Microsoft Teams

Date: 29 January 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

Non-domestic rating; 2023 list appeal; Local Government Finance Act 1988; Schedule 6; Shop and premises; Lotus & Delta Ltd v Culverwell (VO) [1976] RA 141; Lamb (VO) v Go Outdoors Ltd [2015] RA475; Comparable properties; Appeal dismissed.

Before:
MRS S PATEL
DR S PENNI

Between:

BRAVISSIMO LTD **Appellant**

- and -

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

Regarding:
39 – 40 CANNON STREET, BIRMINGHAM B2 5EE
(the appeal property)

Mr Thomas Hogg of Ryan Property Tax Services Limited for the Appellant,
Mr Tafataona Chakadini for the Respondent

Hearing date: 5 January 2026

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The panel found that the rateable value (RV) of £79,000 was reasonable for the appeal property.

STATEMENT OF REASONS

Introduction

3. This appeal had been brought in respect of the appeal property 39 – 40 Cannon Street, Birmingham B2 5EE which is shown in the 2023 Rating List as ‘Shop and premises’.

4. The appeal property was in Birmingham City Centre on Cannon Street. The RV was £79,000 based on a rate of £700/m^2 with effect from 1 April 2023.

5. A challenge was submitted on 4 June 2024 to reduce the rate to £340/m^2 resulting in an RV of £38,000.

6. The respondent considered that the proposal was not well-founded and disagreed with the proposed alteration of the list as the rating list entry was reasonable based on the evidence and information available. The appellant appealed to the tribunal on 8 July 2025.

7. On the day of the hearing the appellant’s representative stated that he now sought a reduction of the rate to £380/m^2 to give an RV of £42,750.

8. Mr Hogg appeared in a dual role of advocate and expert witness and confirmed that he accepted and understood that his overriding duty was to the Tribunal. In view of the Upper Tribunal’s judgment in *Gardiner & Theobald LLP v David Jackson (VO) [2018]* UKUT 0253 (LC), Mr Hogg declared that he was instructed under a conditional fee in respect of his role as expert witness.

9. The panel accepted the expert witness evidence on this basis as the appeal was not considered to be 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 Tribunals’ rules concerning 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.

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

Relevant Law

11. The panel referred to the Local Government Finance Act 1988 in respect of the definition of rateable value in paragraph 2(1), Schedule 6 to the Act (as amended). The rateable value of any hereditament is to be taken to be the amount, determined in accordance with the statutory assumptions, equal to the rent at which it is estimated the hereditament might reasonably be expected to let from year to year, on 1 April 2021 the “antecedent valuation date” (AVD). The material day for this appeal was 1 April 2023.

12. The panel had regard to the Lands Tribunal judgment of *Lotus & Delta Ltd v Culverwell (VO)* [1976] RA 141. This case had established six propositions, which gave clear guidance to be followed when assessing rateable value, 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 is 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 1967 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

13. The appellant’s representative stated that the country was in Covid lockdown at the AVD and the appeal property was, at that time, closed. He stated that the economic climate affecting the appeal property at the AVD was disputed and not in line with the rating hypothesis.

14. He referred to the appeal property being held under a new lease from 25 January 2016 for £100,000 per annum for a period of ten years which, being so far from the AVD, he felt was not useful for its valuation.

15. He therefore referred to the rental evidence on what he considered were properties comparable to the appeal property.

16. 1 Cannon Street was let on a new lease for £125,000 from 5 July 2021 and he had analysed the rent to £918.83/m^2. This property was in a superior location to the appeal property but had its valuation decreased from the 2017 rating list entry when it was valued at an unadjusted rate of £2,000/m^2. Similarly, Unit 3A, Cherry Street, 55 Temple Row was valued at £1,350/m^2 in the 2017 list but now devalued to £661.50/m^2 in the 2023 list, again a 50% decrease in its valuation.

17. He had also submitted a table of comparable assessments on New Street, Birmingham where all of the properties had been reduced by 37.5% between the 2017 and the 2023 rating lists. The appeal property, however, was valued at £750/m^2 in the 2017 rating list and at £700/m^2 in the 2023 list, a decrease of only 6.66%.

18. In his opinion, and for these reasons, the appeal property's unadjusted rate should be reduced by 50% from the 2017 rate of £750/m^2 to £380/m^2 for the 2023 list giving an RV of £42,750. However, he also stated that the rental evidence for the properties at numbers 1 and 8 Cannon Street were relevant.

19. The VO's representative had stated that this approach was not necessary when looking to value the appeal property and that the VO takes a comparable approach looking at the appeal property rent first and then any comparable rents and assessments in line with the *Lotus and Delta* case.

20. The panel noted that the VO's representative had included references to the case of *Lamb (VO) v Go Outdoors Ltd* [2015] RA475 and raised the question of whether it was valid to compare valuations between lists. The appellant's representative submitted that all evidence was admissible and it was better to take a broader review when valuing properties.

21. The panel found that very little weight should be given to the appellant representatives' evidence in respect of comparisons between the 2017 and 2023 rating list entries in accordance with *Lamb v Go Outdoors* case. The whole point of the revaluation exercise was to consider the new rental evidence relating to the new AVD.

22. The panel was presented with rental evidence by the VO's representative. The panel noted from the current valuation that although the appeal property was 458.1m^2 in area, the retail zones approximated to 150m^2 and the panel considered this to be the area in terms of main space (ITMS) for comparison.

23. 13 Bennetts Hill was half the size to the appeal property ITMS and had been let on 1 March 2021, just one month prior to the AVD, for £150,000 per annum. This was a new lease and the rent analysed to £748.79/m^2. The panel found that this evidence, despite being a smaller property, was in good alignment with the *Lotus and Delta* case and therefore considered it to be strong evidence supporting the existing valuation of the appeal property.

24. 27 Temple Street was of a similar size to the appeal property ITMS and had been let on 1 September 2020 for £150,000 per annum. Again, this was a new lease and the rent analysed to £769.34/m^2. As the letting was only six months prior to the AVD the panel found that it was strong evidence supporting the VO's valuation of the appeal property.

25. 17 Cannon Street was considerably smaller than the appeal property and had been let on 1 August 2019 for £33,000 per annum. This was also a new lease and the rent analysed to £715.07/m^2. The panel found that this evidence supported the valuation of the appeal property, but as the letting was 20 months prior to the AVD and the property smaller than the appeal property, it was given lower weight.

26. Unit 3A Cherry Street was half the size of the appeal property ITMS and had been let on the AVD for £75,000 per annum. This was also a new lease and the rent analysed to £661.50/m^2. The panel found that as this property was let on the AVD it provided strong evidence. The only obstacle for the panel to give it any significant weight over and above the other rental evidence was the fact that the property was considerably smaller. The panel was

aware that whilst the rental evidence gave a lesser value it was still close to the figure of £700/m^2.

27. The panel found that the full basket of rental evidence, which included the rent on the appeal property, was supportive of the VO's opinion that £700/m^2 was not unreasonable for the appeal property.

28. The panel found that little evidence had been submitted in support of a reduction of the appeal property's rate and, in particular, that the comparison between the lists was not useful for its valuation.

29. The panel had considered all the evidence in accordance with the *Lotus v Delta* case and found that sufficient evidence had been provided to show that the valuation of the appeal property was reasonable and supported by the rental evidence of other comparable properties in the locality.

Decision

30. In view of the above findings and conclusions, the Tribunal is satisfied that the appeal property is correctly valued at £79,000 RV with effect from 1 April 2023.

31. The appeal is therefore dismissed.

Right of further appeal

32. 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.

33. 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 Patel, Senior Member (Chair)
Dr S Penni, Senior Member
29 January 2026

Mr D Adamson
Clerk to the Tribunal
Date issued to the parties: 29 January 2026