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

Case No: CHG101227923

Sitting remotely using Microsoft Teams on 8 May 2026

Date: 29 May 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — warehouse and premises – rental evidence – Dawkins (VO) v Ash Brothers & Heaton Ltd [1969] – Lotus and Delta Ltd v Culverwell (VO) [1976] RA 141.

Before:

MS L A OWUSU-AFRIYIE
MISS E MCKAY-LEWIS

Between:

BRANDED FURNITURE CLEARANCE WAREHOUSE LTD **Appellant**

- and -

ANDREW MOULAND
(VALUATION OFFICER) **Respondent**

Regarding:

GROUND FLOOR 421 EDGWARE ROAD, LONDON NW9 0HS
(the “subject property”)

Mr B O’Neill of Ryan Property Tax Services UK Limited, for the Appellant.
Mr Y Napal, for the Respondent.

DECISION AND STATEMENT OF REASONS

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DECISION

1. The appeal is dismissed.

2. The Tribunal finds that the current entry in the 2023 Rating List is reasonable and confirms the Rateable Value (RV) at £98,000 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. The appellant’s representative made a proposal on 7 June 2024 to challenge the entry in the 2023 Rating List at £98,000 with effect from 1 April 2023. The valuation was based on £85/m^2. The appellant’s representative sought a reduction to £42.50/m^2, resulting in a revised valuation of £49,750. The Valuation Officer (VO) did not find the proposal to be well founded, and a Challenge decision to that effect was issued on 4 December 2025. The appeal against the decision notice was received by the Tribunal on 18 December 2025.

4. In light of the judgment in *Gardiner & Theobold LLP v Jackson (VO)* [2018] UKUT 0253 (LC), Mr O’Neill stated that he was appearing before the Tribunal in a dual role as both advocate and expert witness. He confirmed that he was instructed on a contingency fee basis. In giving expert evidence, he declared 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 his client’s case.

5. 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 Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 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). It was therefore appropriate for the panel hearing the evidence to consider the ‘expert’ evidence and assess what weight, if any, to give it in the context of the matters in issue before it.

6. Mr Napal declared he was also appearing as both advocate and expert witness.

7. The hereditament is valued as a warehouse and premises, constructed between 1919 and 1939. There was no dispute around the survey data, 1,131.79m^2, and the only issue to be decided was the correct price per unit to be applied to the valuation.

8. The material day on which to consider the property and its locality was 1 April 2023, as this was a challenge to the compiled list entry. The property must be considered with regard to values on the antecedent valuation date (AVD) of 1 April 2021.

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

Issue and Relevant Law

10. The subject property must be valued by the statutory assumptions set out in Schedule 6 to the Local Government Finance Act 1988 as follows:

"(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."

11. The panel had regard to the Lands Tribunal judgment of *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* [1976] RA 141, mentioned by both parties in their evidence, which provided guidance on the weight to be attached to different forms of evidence. Mr Napal also referred the panel to the judgment in *Dawkins (VO) v Ash Brothers & Heaton Ltd* [1969] 2 All ER 246.

Discussion

12. Both parties agreed that the subject property is of poor specification due to the steel truss frame and eaves height of just three metres. Mr O'Neill submitted that its condition had deteriorated during its previous use as a car MOT centre, prior to the appellant company's occupation. The current use is as a furniture warehouse outlet.

13. In accordance with *Lotus & Delta*, the panel found that the starting point of any valuation must be the rent passing on the subject property. In this case, the appellant company occupied the warehouse from 9 November 2021 for a term of two years at an annual rent of £50,000 per annum. Mr O'Neill submitted that there was no rent-free period and the lease was renewed with the appellant remaining in occupation. He analysed this rent to £42.83/m^2 and contended this supported a revised RV of £49,750.

14. Mr Napal submitted that the lease was initially agreed for a two-year term due to the approved and anticipated residential development on the site. He provided evidence that this development was approved by the Local Authority planning committee in December 2022. The panel noted the *Dawkins* judgment confirmed that the intention to demolish the property in question would be irrelevant to the rating hypothesis but a demolition order in place would be an essential characteristic of the property and would impact the hypothetical rental bid.

15. While there was no evidence that a demolition order was in place for the subject property, the panel noted that the planning application was granted for the demolition of 421 and 423 Edgeware Road. The planning application was made in March 2022 and therefore the panel considered that the planned development of the site would have formed part of the negotiations when agreeing the two-year term from November 2021. On this basis, the panel found that the rent agreed would likely reflect the future changes to the locality and planned demolition of the subject property. Mr Napal also submitted that the lease on the subject property showed there was no right to renew the term and this meant there was no security of tenure for the tenant. Taking these submissions into account, the panel considered the

subject property's rent should be treated with caution and proceeded to consider the evidence on other similar warehouses to test its reliability.

16. Mr Nepal submitted that, although the low eaves height limited the property's usefulness and specification as a warehouse, he did not consider it to be poor quality. He confirmed that he had inspected the property and found it was used to store high quality furniture, which would not be the case if the warehouse was poor quality in his opinion.

17. The panel noted the examples introduced by Mr Napal as evidence to support the subject property's existing valuation. Comparable in age and eaves height to the subject property is 3 Courtenay Road, East Lane Business Park, Wembley HA9 7ND. This warehouse is slightly smaller than the subject property at 950.94m^2 and was let from 1 November 2020 for £92,988 per annum for a three-year term on a full repairing and insuring (FRI) basis. Mr Napal submitted that this rent was also contracted out of the Landlord and Tenant Act, but it analysed to £96.14/m^2, suggesting the subject property's valuation was not unreasonable.

18. Comparable in size to the subject property, at 1,011.33m^2, is 13 Aintree Road, Perivale, Greenford UB6 7LA. This warehouse was let on a four-year term from 1 October 2020 for £99,000 per annum on a FRI basis. It is comparable in age to the subject property and with similar eaves height. The panel noted Mr Napal's analysis of this rent at £93.20/m^2 and found this example supported the subject property's valuation. It was also submitted at the hearing that this property was subject to an agreement in January 2026 with Ryan, but it was not reduced to the levels sought for the subject property by the appellant.

19. The VO's last example was 8-12 Minerva Road, London NW10 6HJ. This warehouse is slightly larger than the subject property, at 1,346.37m^2, and was let close to the AVD in March 2021. Mr Nepal submitted it is comparable in age and eaves height to the subject property and was let on a five-year term, on FRI basis, for £132,000 per annum. He had analysed this to £70/m^2.

20. Mr O'Neill highlighted that the VO's examples are all situated some distance from the subject property, between four and seven miles away. He submitted that they are in established industrial parks, some with onsite security, and are in different valuation schemes. The panel acknowledged that these examples provided evidence from a wider locality than would usually be expected but, in the absence of rents on comparable warehouses to the subject property in the same locality, they were still useful evidence of rents agreed close to the AVD on comparable hereditaments.

21. The panel noted Mr Napal's submission that the RV for the subject property in the 2017 list was £75,500 and the appellant sought a reduction below the entry in the previous list. There was no evidence before the panel that rents in the area had reduced dramatically between the AVD for the previous list, 1 April 2015, and 1 April 2021. The panel was required to value the subject property, vacant and to let, considering the warehouse and its locality on the material date of 1 April 2023. It found that, when compared with the rents on similar warehouses, the subject property's rent was artificially low and likely negotiated based on a limited term due to impending demolition. Although planning consent had been granted for redevelopment of the site, there was no definitive demolition order on the subject property in evidence and therefore this could not be considered a characteristic of the property.

22. The panel concluded that it was not correct to place weight on the subject property's rent in isolation and it must be tested against the basket of rental evidence. While the VO's

examples were in the wider Northwest London area, the burden of evidential proof rests with the appellant and no comparable properties or rents had been provided to support a reduction to £42.50/m^2 for the subject property. The panel therefore concluded that the subject property's rent was an outlier and, based on comparable warehouses in the wider locality, the current valuation was reasonable.

Conclusion

23. In view of the above findings and conclusions, the Tribunal is satisfied that there was insufficient evidence to support a reduction in the subject property's valuation from 1 April 2023 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/.

Ms L A Owusu-Afriyie, Senior Member (Chair)
Miss E McKay-Lewis, Member
29 May 2026

Mrs A Sloan
Clerk to the Tribunal
Date issued to the parties: 29 May 2026