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

Case No: CHG101230223 & CHG101230386

Sitting remotely using Microsoft Teams on 15 June 2026

Date: 14 July 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 Rating List Appeal: challenge against compiled list entry; retail warehouse and premises; accuracy of rateable value; Lotus & Delta v Culverwell (VO) and Leicester City Council [1976] RA 141; *Lamb (VO) v Go Outdoors [2015] RA 475; appeal dismissed.*

Before:

MR SW CHAPPELL
MR AN BACKWAY & MRS V LLOYD

Between:

ANGLO GLOBAL PROPERTY LIMITED AND DREAMS LIMITED — **Appellants**

- and -

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

Regarding:

UNIT 10 & 6, ONE STOP SHOPPING CENTRE, WALSALL ROAD, BIRMINGHAM B42 1SF
(the “subject properties”)

Ms C Taylor from Ryan Property Tax Services (as advocate and expert witness on behalf of the appellant)
Mr J Green (as advocate and expert witness on behalf of the respondent)

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal confirms the rateable value (RV) of Unit 10 as £89,500 and of Unit 6 as £117,000 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. These appeals had been brought in respect of Unit 10 and Unit 6, One Stop Shopping Centre, Walsall Road, Birmingham B42 1SF (the subject properties), which were entered in the 2023 Rating List as 'retail warehouse and premises' at an RV for Unit 10 of £89,500 and for Unit 6 as £117,000 which the appellants submitted were too high.

4. The appellants' Challenges were submitted on 13 June 2024 and sought a reduction in the RV to £63,000 for Unit 10 and £82,500 for Unit 6 with effect from 1 April 2023. The appeals to this Tribunal were made on 15 January 2026, following the Valuation Officer's (VO) Decision Notices of 29 September 2025 in respect of the subject properties.

5. The subject properties were retail warehouses located in Perry Barr around 2.3 miles from the centre of Birmingham. They form part of a retail park consisting of similar sized retail warehouses and a small shopping centre with a large area of on-site parking. Unit 10 has a total floor area of 623.60m^2 and Unit 6 has a total size of 841.90m^2.

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 was not reasonable.

7. Ms Taylor appeared on behalf of the appellant as both advocate and expert witness. Therefore, it was important to ascertain if there was a success related fee involved and if so whether its existence was compatible with her 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). Ms Taylor confirmed that she was instructed under a contingency fee and she declared that she understood and accepted that her duty was to the Tribunal in giving her evidence and that she would comply with this as well as the requirements of her professional body, regardless of whether or not the evidence supported her client's case.

8. 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.

9. 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.

Issue

11. The issue for the panel to make a finding on was the unadjusted rate for the subject properties. The VO submitted a rate of £140/m^2 was reasonable. The appellant submitted that the rate was too high and that an unadjusted rate of £98/m^2 was reasonable.

Relevant Law

12. In arriving at a decision, the panel is governed by rating legislation laid down by Parliament where Schedule 6 to the Local Government Finance Act 1988 as amended by the Rating (Valuation) Act 1999, provides that:

    2(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 2014 (SI 2014 No. 2841).

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 No. 556) as amended. In respect of the subject appeal, the material date is 1 April 2023 being the commencement date of the 2023 rating list.

Discussion

15. The appeal hereditament 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 to the Local Government Finance Act 1988). The date of the hypothetical rent was 1 April 2021.

16. The panel turned to the six propositions set down in *Lotus & Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 which was binding on this panel. The first two propositions are:

    (1) Where the hereditament which is the subject of consideration is actually let, that rent should be taken as the starting basis.

> (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 section 19(6) of the General Rate Act 1967 the more weight should be attached to it. (These statutory requirements now contained in Schedule 6, Para 2 (1) Local Government Finance Act 1988 (as amended by the Rating (Valuation) Act 1999)).

17. The panel noted that that the rent on Unit 6 was from November 2023 and found that it was too far removed from the AVD and so they placed little weight on this evidence.

18. In connection with the subject property Unit 10 it had previously been occupied by Peacocks until they went into administration in 2021. Anglo Global acquired the business and renegotiated the leases on the former Peacocks properties. The panel found that the lease on Unit 10 was not therefore an open market rent. Mr Green submitted that although the rental evidence on Unit 10 was not an open market rent it should still carry some weight. There was a rent review on 1 April 2021 which Ms Taylor submitted was the same date as the administration in relation to Peacocks and that no rent was being paid at this date as it was not able to open. It had a six month rent free period and a term of four years on FRI terms. Mr Green submitted that the rent of £116,500 which the VO analysed to £152.56/m^2 supported the UAR of £140/m^2. There was subsequently a regear dated 31 March 2022 at the same level of value as the April 2021 lease renewal with a four year term, six months rent free on FRI terms which the VO analysed to £152.56/m^2 which again Mr Green stated supported the UAR on the subject properties of £140/m^2.

19. The panel found that little weight could be placed on the lease renewals as they were a renegotiated rent as part of an administration and not on the open market. The panel was aware that the rents on the subject properties were always the starting point for determining the correct UAR but it was then necessary to look at other rents to create a basket of evidence through which the correct UAR for the subject properties could be established in line with the leading case of *Lotus v Delta*.

20. The panel therefore looked to the comparable properties provided by both parties. The third and fourth propositions set out in *Lotus and Delta* were considered by the panel in regard to the comparable properties put into evidence by both parties:

> (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 be properly be referred to as giving an indication of that opinion.

21. The panel then turned to the appellant's analysis of comparable properties which included three properties from One Stop Shopping Centre and fourteen from similar properties within the locality of the subject properties. The three comparable properties within the same shopping centre were:

(1) Unit 9 which was 627.30m^2 had an annual lease renewal from 1 July 2022 being one year post AVD. The appellant analysed the rent to £137/m^2 with a UAR of £137/m^2. The VO put weight on an annual lease renewal dated 20 May 2021 which analysed the rent to £111.59/m^2.

(2) Unit 2C was 388.50m^2 and was based on a new lease after a split from Unit 2D with a lease that commencing on 1 May 2021 just one month post AVD. It had a was let as a charity shop which rarely have long fit out periods and yet had a six month rent free period followed by a further one year at half rent. It had an initial rent of £46,000 followed by twelve months at half rent. Ms Taylor only allowed three months of the rent free period when analysing the rent. This led to an analysed rent of £98 and a UAR of £140/m^2. Mr Green explained that this particular property was in his opinion an outlier when compared to Unit 2D which was next door.

(3) Unit 8 was 755.20m^2 and had a new lease dated 1 September 2021. This was a new letting for an agreed term of ten years with an eleven month rent free period for fit out, the landlord was responsible for external repairs and there was a tenant only break clause at year 5. It was used as an Asian food shop and had a specific user clause restricting it to food only. On that basis the analysed rent is in fact £143.66/m^2 which supported the base rate adopted of £140/m^2 and therefore supported the UAR on the subject properties.

22. The panel was aware that the appellant placed most weight on Unit 2C which had an area significantly smaller than the subject properties. The rent also required a number of adjustments to bring it in line with the rent on the subject properties. It was also let to a charity which would also have impacted on the rent agreed. The panel therefore placed little weight on this evidence.

23. The panel then took into consideration Unit 8 which had a longer rent free period than is the norm and so both parties had allowed a five month fit out in their calculations. The panel was aware that in some cases a higher rent is appropriate where a property is a food shop but this was not automatically the case. If it was the case the panel found that it would certainly apply to the rent for the full ten years. The lease also contained a clause that if there was a lockdown then the rent would be suspended but there were no more lockdowns after 12 April 2021. The panel found that as Unit 8 was a food shop with a specific use clause it had a different mode or category of occupation to the subject properties and so was not a ‘like for like’ comparator and therefore placed little weight on this comparable property.

24. The panel then considered the additional rental evidence submitted by the appellant relating to comparable properties located within the West Midlands area. The panel noted that Ms Taylor had included them in relation to demonstrate the percentage difference between rating lists on these particular properties. The panel took account that on that basis the comparable properties UAR’s were produced to be compared to that of the subject properties.

25. The panel then considered the comparable properties submitted in evidence by the respondent. They were two comparable properties which were in the same shopping centre being Units 2D and 7A. The panel noticed that in the case of Unit 2D the lease was a new lease dated 1 May 2021 close to the AVD. It was however calculated incorrectly as a shop unlike the subject properties and was not a ‘like for like’ comparable property and could place little weight on this property. In connection with Unit 7A the panel noted the size of this unit was similar to that of the subject properties. The rent however was based on a rent review dated 27 January 2019. The panel found that this was too remote from the AVD to be of any assistance to them.

26. The panel now turned to the fifth and sixth propositions from *Lotus and Delta*, namely:

(5) In light of all the evidence an opinion can then be formed of the value of the appeal hereditament, the weight to be attached to the differing types of evidence depending on the one hand 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 each circumstance, it would be difficult to reject the evidence of the actual rent.

27. The appellant argued that the type of trade carried on in these comparable properties meant that some of them were unable to remain open during some or all of the lockdowns. This Ms Taylor submitted meant that the rent at the AVD was affected differently depending on the type of trade of the property. The panel placed limited weight on this argument as the value used in assessing the RV must reflect the unit vacant and to let and was not based on the type or profitability of the business actually occupying a property. The panel was aware that the comparable properties included food shops which were not ‘like for like’ comparable properties with the subject property which was a perfume shop. The panel therefore placed little weight on this evidence.

28. The panel then considered the submission by the appellant that the percentage decrease on the subject properties between the 2017 rating list and the 2023 rating list was too low and was not supported by the market. The appellant had provided seventeen comparable properties with new leases some in the same valuation scheme, some affective from during Covid restrictions and some after the restrictions had been lifted. They were all located in the West Midlands. They had a percentage decrease between the lists of between 20% to 76%. unlike the subject properties which only had a decrease of 17%. The UAR fell from £180/m^2 to £140/m^2. The panel took into consideration the case law of *Lamb (VO) v Go Outdoors [2015] RA 475* referred to by the VO. The panel therefore placed more weight on comparable properties rather than the comparison between the two lists. The two different lists meant comparing rental evidence from two different AVD’s.

29. The panel then turned to the settlement evidence put into evidence by the appellant. A settlement on Unit 1b 18-20, Princess Alice Drive, Sutton Coldfield’s which is approximately three and a half miles away from the subject properties. The tone of that property had been reduced in the 2023 list from £200/m^2 to £157.50/m^2 at the Challenge stage being a reduction of 35%. The panel was unable to place any weight on this evidence as the comparable property was in a different locality to the subject properties and there were no details given as to the reason why this reduction was agreed.

30. The panel found the totality of evidence submitted by the VO was more persuasive. In cases such as this it is for the appellant to prove their case and the panel found that in this case they had failed to do so. The panel was aware that the rent on the subject properties was not helpful. The appellant relied on Unit 2C but it was only half the size of the subject properties. In connection with Unit 9 it was an annual lease and post AVD. Unit 8 was a food shop and had a specific user clause. The panel also put little weight on the comparable properties from the wider West Midlands area and preferred not use comparison evidence between the two rating lists particularly when there was rental evidence available..

31. In appeals of this nature the burden of proof was on the appellant to provide evidence to demonstrate that the RV of the subject properties was unreasonable. The panel found that

the appellant had failed to discharge this burden. The evidence put in by the appellant's agent was of comparable properties which were too far away or too different in size to the subject properties to be given weight in the basket of evidence. The panel was therefore satisfied that the current assessment for the subject properties was reasonable.

Conclusion

32. In view of the above findings and conclusions, the Tribunal is satisfied that (RV) on Unit 10 a of £89,500 and that of £117,000 on Unit 6 as with effect from 1 April 2023 was reasonable and dismissed the appeals.

Right of further appeal

33. 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.

34. 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 SW Chappell, Senior Member (Chair)
Mr AN Backway, Senior Member
Mrs V Lloyd, Member
14 July 2026

Miss F Willson
Clerk to the Tribunal
Date issued to the parties: 14 July 2026