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

Case No: CHG101259979

Sitting remotely using Microsoft Teams on 03/06/2026

Date: 2 July 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Retail warehouse and premises — Unadjusted base rate — Appeals allowed in part.

Before:

MR WJ READ
MS A VERMA

Between:

JYSK LTD (REPRESENTED BY RYAN PROPERTY TAX SERVICES UK LIMITED) — **Appellant**

- and -

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

Regarding:

UNIT NF6, COVENTRY ARENA RETAIL PARK, COVENTRY, CV6 6AS
UNIT N/F 7A, COVENTRY ARENA RETAIL PARK, COVENTRY CV6 6AS
(the “subject properties”)

Ms C Taylor for the Appellant
Mr A Khan for the Respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeals are allowed-in-part.

2. The Tribunal determined rateable values (RV) based on an unadjusted base rate of £180 per square meter (psm) as follows:

   Unit NF6 - £101,000 with effect from 1 April 2023.
   Unit N/F 7A - £110,000 with effect from 1 April 2023

STATEMENT OF REASONS

Introduction

3. These were 2023 rating list appeals. The subject properties had been entered in the 2023 rating list as “Retail Warehouse and Premises”. Unit NF6 had an RV of £118,000 with effect from 1 April 2023 and Unit N/F 7A had an RV of £127,000. Both were based on an unadjusted base rate of £210 psm.

4. The challenge proposals were submitted by Ryan Property Tax Services UK Limited on behalf of JYSK Limited and PSR Trading Limited and was received by the Valuation Officer (VO) on 16 August 2024 and 2 August 2024 respectively. They had been made on the grounds that the RVs shown in the 2023 rating list were wrong and proposed revised RVs of £63,000 & £73,500 respectively, based on an unadjusted base rate of £112.50 psm.

5. The VO issued a challenge case decision notice. The VO’s decision was to treat the appellant’s challenge as not well-founded and proposed no change to the rating list.

6. Ms Taylor 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), Ms Taylor declared that she was instructed under a conditional fee arrangement.

7. Ms Taylor understood and accepted that her duty was to the Tribunal in giving her evidence and she would comply with this regardless of whether or not the evidence supported her client’s case.

8. The Tribunal 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. Mr Khan appeared as both advocate and expert witness.

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

Background

12. The subject properties were retail warehouses located on a retail park in Coventry, comprising a total of twenty stores. The retail park had 16,000 parking spaces. The retail park had undergone an expansion in 2012 with new units being built. The expansion is where the subject properties were located. Unit NF6 had an area of $562.56m^2$, Unit N/F 7A had an area of $546.39m^2$, and both had glass frontages.

Relevant Law

The Local Government Finance Act 1988

13. Schedule 6 of the Act 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.

14. 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.

15. 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 day is 1 April 2023.

Discussion

16. The leading judgment of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141, referred to by both parties, set out six propositions to be followed when considering the weighting of evidence:

    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 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 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 such circumstances, it would be clearly more difficult to reject the evidence of the actual rent.

17. The panel heard from Ms Taylor that there was limited rental evidence close to the AVD in Coventry and therefore she had sought evidence from further afield, but still on retail parks. Within her list of assessment evidence, she highlighted the reduction in RV that each property was subject to between the 2017 and 2023 rating lists. Based on these reductions between the rating lists, she considered the reduction of 7% for the subject properties to be an outlier.

18. The panel placed no weight on the argument by Ms Taylor that compared the level of reductions between rating lists. The panel was aware that the purpose of a revaluation exercise was to value each hereditament afresh taking into account the economic factors at the AVD and the physical factors at the compilation date. It was not a mathematical exercise whereby every assessment was uplifted, or reduced, by the same amount. In this case the panel noted that some of the comparable properties were forty miles away from the subject properties and economic factors could vary by location.

19. Ms Taylor referenced the Covid-19 pandemic and contended that at the AVD when economic factors were to be considered, non-essential retail units were not allowed to open under government guidance. It was her contention that due to this, the rental value would be lower. She also argued that the weighting of any evidence had to reflect this and high weight should only be given to rental agreements that took place under the same circumstances of the AVD. The panel acknowledged Ms Taylor's argument and accepted that the retail market had faced a decline during the period of the pandemic. However, through questioning, Ms Taylor confirmed that on the AVD, it was known that non-essential retail would be re-opening on 12 April 2021.

20. The panel then reviewed the rental evidence before it. There was a significant number of comparable properties presented by the parties and therefore they will not all be mentioned individually in this decision. All evidence was considered by the panel when making its decision.

21. The panel placed less weight on the rental evidence in Stafford, Telford, Worcester, and Birmingham due to the distance from the subject properties and the different markets further afield and in larger areas such as Birmingham. It was the panel's opinion that there was sufficient evidence provided closer to the subject properties to make a decision. The panel also placed less weight on the retail parks that were significantly smaller than the retail park housing the subject properties. The panel did not find that these were comparable to the subject properties which were located on a large retail park with twenty stores and large anchor tenants.

22. There was a ten-year lease on Unit N/F 7A with a passing rent of £155,000 per annum with effect from 3 December 2017. The panel placed no weight on this rent due to its proximity from the AVD. There was a lease effective from 9 July 2022 for Unit NF 6 with a passing rent of £158,868 per annum. Neither party had analysed this rent and due to this and its proximity from the AVD, the panel placed little weight on it.

23. The panel heard from the parties' their comments in relation to Gallagher Retail Park, Central Six Retail Park, and Kynner Way. Gallagher and Central Six were constructed in 1997, and Kynner Way in 2013. All were within five miles of the subject properties, with Gallagher Retail Park being the closest at 1.9 miles away.

24. Mr Khan considered that Kynner Way was not comparable to the subject properties as it was a mix of retail warehouses and arcade units with values ranging from £80 psm to £150 psm in the 2023 rating list. Ms Taylor considered Kynner Way to be comparable due to its age and it being a similar type of property to the subject properties. The panel reviewed the photographs for Kynner Way and was of the view that there were similarities with the subject properties, however the panel found that the Coventry Arena Retail Park was in a superior location.

25. The panel attributed the most weight to Gallagher Retail Park and Central Six Retail Park. Evidence had been provided for four units at Gallagher Retail Park. The rent had been analysed between £83.47 psm and £214.47 psm, and they were in the 2023 rating list at £135 psm, £155psm and £180 psm.

26. Two pieces of evidence had been provided for Central Six Retail Park which were both in the 2023 rating list at £150 psm. Rental evidence was provided for Unit 3 effective from 1 August 2021 on a new lease which Ms Taylor analysed to £123.42.

27. As above, the panel found that the location of the subject properties, adjacent to the Coventry Arena and with substantial parking facilities and access routes, was superior to the locations of Gallagher Retail Park and Central Six Retail Park. The subject properties were also newer having been constructed in 2012 compared to 1997.

28. The burden of proof was on the appellant's representative to demonstrate that the current RV of the subject properties was unreasonable. The panel found that this had been achieved, however not to the level requested by Ms Taylor.

29. When considering the basket of evidence as a whole and having specific reference to the properties detailed in this decision notice, it was the panel's view that the subject properties should be valued with an unadjusted base rate of £180 psm.

Conclusion

30. In view of the above findings and conclusions, The Tribunal Panel was satisfied that the RVs of the subject properties were unreasonable and determined an RV of £101,000 with effect from 1 April 2023 for Unit NF6, and an RV of £110,000 with effect from 1 April 2023 for Unit N/F 7A based on an unadjusted base rate of £180 psm. Therefore, the appeals were allowed in part.

Unit NF6:

Floor	Description	Area (m^2)	£/m^2	Value (£)
Ground	Ground Floor Sales	562.56	180.00	101,261
Additional features of the property				
	Plant and Machinery			187
			Total	**£101,448**

Unit N/F 7A:

Floor	Description	Area (m^2)	£/m^2	Value (£)
Ground	Ground Floor Sales	460.50	180.00	82,890
Ground	Stockroom	85.89	180.00	15,460
Additional features of the property				
	Air Conditioning System	460.50	4.00	1,842
	Air Conditioning System	226.00	4.00	904
	First Floor Sales	226.36	25.00	5,659
	Supported Storage Floor	26.86	15.00	403
	Supported Storage Floor	223.77	15.00	3,357
	Plant and Machinery			187
			Total	**£110,702**

31. The Tribunal Panel orders pursuant to Regulation 38 of the Valuation Tribunal for England (Council Tax and Rating Appeals) (England) Regulations 2009 [SI 2009 No 2269] that the respondent shall alter the 2023 rating list in respect of Unit NF6, Coventry Arena Retail Park, Coventry CV6 6AS and Unit N/F 7A, Coventry Arena Retail Park, Coventry CV6 6AS within two weeks.

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/.

Mr WJ Read, Senior Member (Chair)
Ms A Verma, Senior Member
2 July 2026

Mrs S Hodgson
Clerk to the Tribunal
Date issued to the parties: 2 July 2026