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

Case No: CHG101264524

Sitting remotely using
Microsoft Teams on
17 April 2026

Date: 14 May 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 rating list appeal; Local Government Finance Act 1988; Lotus and Delta v Culverwell (VO) & Leicester City Council [1976] RA 141; £ per m^2 in dispute; Appeal allowed in part.

Before:

MR K EVERETT
DR S PENNI

Between:

NX LIFESTYLE LOGISTICS UK LTD **Appellant**

- and -

KAREN GILES
(VALUATION OFFICER) **Respondent**

Regarding:

UNIT 15-16, ALBONE WAY, BIGGLESWADE, SG18 8BN
(the "subject property")

Appearances:
Mr Matthew Evans of Ryan Property Tax Services Ltd, representing the Appellant
Mr Garreth Wright, representing the Respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed in part.

2. The Tribunal finds that the unadjusted rate to be applied to the subject property is £60 per m^2. The rateable is therefore altered to £290,000 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. The subject property is located upon Albone Way industrial estate. It comprises of two 1970's industrial units with 5 metre eaves. The subject property covered 5,156.6m^2 and it entered the 2023 rating list with effect from 1 April 2023 as "Warehouse and premises" with an RV of £330,000 (£65 per m^2). A Challenge was submitted to the Respondent in accordance with the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009 on the grounds that its RV was unreasonable and should be reduced to £272,500 (£55 per m^2). The Respondent decided that the Challenge was not well-founded but did consider the RV to be unreasonable. Consequently, the Respondent issued a decision notice which reduced the RV to £300,000. This reflected an adopted rate of £62.50 per m^2 and an allowance of 5% to reflect the existence of two buildings (a split site).

4. The Appellant subsequently submitted an appeal to the Tribunal, seeking a revised RV of £229,00 (£47.50 per m^2).

5. Mr Evans appeared on behalf of the Appellant and Mr Wright appeared on behalf of the Respondent in the dual roles of advocates and expert witnesses. Mr Evans declared that he was representing the Appellant on a contingency fee basis and they both acknowledged and accepted that, when presenting evidence as expert witnesses, their duty was to the Tribunal irrespective of whether their evidence supported their respective arguments. Mindful of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT (LC), 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 Tribunal's 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). It was therefore appropriate for the panel to consider the expert evidence and assess what weight, if any, to give it in the context of the issues before it.

Relevant Law

6. 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 to the Local Government Finance Act 1988). These are well known to the parties and so it is not considered necessary to set them out in this decision and statement of reasons. The date of the hypothetical rent is 1 April 2021 and matters which affect the physical state or enjoyment of the property or the locality is to be taken was 1 April 2023.

7. The leading judgment in the Lands Tribunal case of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 sets out the six propositions to have regard to when considering the weighting of evidence and expert opinion. As with the aforementioned

legislation, these propositions are well known to the parties' representatives and so the panel did not consider it necessary to set them out in this decision and statement of reasons.

Discussion

8. The only matter in dispute was the £ per m^2 to be adopted in respect of the subject property. Mr Evans was seeking £47.50 per m^2, whist Mr Wright considered £62.50 per m^2 to be reasonable.

9. The starting point is the passing rent in respect of the subject property. This was the product of a lease renewal, effective from 19 December 2019 at £301,835 which had been analysed by Mr Evans to £57.69 per m^2. However, this was considered by the parties to be too remote from the AVD to be of any significant assistance. The panel agreed.

10. Mr Evans argued that the subject property had been included within a scheme of valuation (numbered 644638) which included large industrial units across Bedfordshire which fails to take into account the specific characteristics and market tone for the locality. Mr Evans added that £47.50 per m^2 is reasonable when compared with modern distribution sites in Biggleswade which are of comparable size, with eaves of 10-16 metres and located adjacent to the A1, which had been agreed at £67.50 per m^2. Mr Evans also argued that the hereditament was made up of two warehouses which, if separately assessed, would automatically attract the local tone rate. In response, the Valuation Officer explained that the subject property was contained within a valuation scheme which applies to properties from 3,000m^2 to 10,000m^2 across the billing authorities of Bedfordshire, Central Bedfordshire and Luton which is designed to reflect the rental markets of larger industrial units. The Valuation Officer added that whilst there are no generalised tones, patterns will inevitably emerge. and the unadjusted area rates are determined by thorough analysis of rental evidence relating to each location with adjustments to reflect individual characteristics, thereby ensuring fair, consistent and evidence based valuations.

11. Mr Evans placed significant weight upon a valuation tribunal decision in respect of 7-13 Enterprise Way, Maulden Road, Flitwick MK45 5BS (CHG101208299). This hereditament contained three warehouses and had attracted the same 'broad brush' valuation scheme. However, he said, the outcome of the appeal was to allow for local tone with an element of quantum.

12. Mr Evans also placed significant weight upon Units 5, 6 & 7, Frenchs Avenue, Dunstable LU6 1BH and Unit 26 Verey Road, Dunstable LU5 4TT in support of £47.50 per m2 for the subject property. The former was 5,524.99m^2 in size and was held on a new lease, effective from May 2019 at £296,925 per annum. This had been analysed by the Appellant to £54.91 per m^2 and to £52.73 per m^2 by the Respondent and had an adopted rate of £62.50 per m^2. The latter was 5073.22m^2 in size and was held on a lease renewal, effective from November 2022 at £273,410 per annum. This had been analysed by the Appellant to £54.34 per m^2 and to £52.45 per m^2 by the Respondent and had an adopted rate of £67.50 per m^2.

13. In contrast, Mr Wright had placed significant weight upon 11-14 Foster Avenue, Dunstable LU6 5 TA (5,480.89m^2 in size) and 37 Verey Road, Dunstable LU5 4TT (5,903.34m^2 in size). The former had been analysed by the Valuation Officer to £74.21 per m^2 (adopted rate of £70 per m^2) and the latter had been analysed to £64.40 (adopted rate of £65 per m^2). These, Mr Wright argued, demonstrated that £62.50 per m^2 was reasonable.

14. Ultimately, the panel found that the rental evidence presented by Mr Evans did not support an adopted rate of £47.50 per m^2 as far as the valuation of the subject property was concerned. Turning to the 'Flitwick" decision, the panel found it to reflect a property in a different location which had been arrived at by reference to its own set of circumstances. Also, the panel was not convinced by the argument put forward by Mr Evans concerning a different approach to valuation in the event the two buildings were valued individually. This hypothetical approach offends the rebus sic stantibus principle which requires the Valuation Officer to value a hereditament in its existing state on the material day, which *Williams (VO) v Scottish & Newcastle Retail Ltd* [2001] EWCA Civ 185 confirms.

15. However, the panel also found that adopting £62.50 per m^2 was not reasonable. The panel found Dunstable to be a better location and adopting £62.50 for the subject property in Biggleswade did not fully take into account the different localities. When taking this, and the overall basket of evidence into consideration, the panel concluded that an adopted rate of £60 per m^2 was reasonable for the subject property.

Conclusion

16. In view of the foregoing, this appeal is allowed in part. The RV of the subject property is altered to £290,000 with effect from 1 April 2023, as set out below.

	m^2	£ p/m2	Value
Ground floor area under supported floor	48.97	40.95	2,005
Ground floor warehouse	2,284.16	58.50	133,634
Ground floor mess/staff room	91.96	66.00	6,069
First floor office	206.79	72.00	14,889
Ground floor office	45.60	72.00	3,283
Ground floor warehouse	2,284.50	58.50	133,654
Mezzanine floor internal storage	47.16	29.25	1,380
Ground floor office	147.46	72.00	10,617
	5,156.60		305,531
Less: split site (two buildings) - 5%			15,277
			290,255
		RV Say:	**290,000**

Order

17. In accordance with regulations 38(4) and 38(9) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 the Valuation Tribunal for England orders the Respondent to alter the rating list entry in respect of the subject property to £290,000 with effect from 1 April 2023.

Right of further appeal

18. 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.

19. 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 K Everett (Senior Member and Chair)
Dr S Penni (Senior Member)

Mr A Johnson
Clerk to the Tribunal

Date issued to the parties: 14 May 2026