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

Case Nos: CHG101316189
CHG101265670
CHG101271463

Sitting remotely using Microsoft Teams on 6 May 2026

Date: 3 June 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — shop and premises; Zone A price per m^2 in dispute; rental evidence; comparable assessments; appeal dismissed.

Before:

MS A KALU, MR A ASANTE
Between:

ROCKPOOL FISHMONGERS
PETS CORNER (UK) LTD
SPICERHAART

Appellant

- and -

NICOLA JOHNSON
(VALUATION OFFICER)

Respondent

Regarding:

12 MONTPELIER VALE, LONDON, SE3 0TA,
32 MONTPELIER VALE, LONDON, SE3 0TA
23 TRANQUIL VALE, LONDON, SE3 0BU

Mr A Burgess from Ryan Property Tax Services UK Limited, representing the Appellant
Mrs C Wolff and Miss J Thomas for the Respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeals are dismissed.

2. The Tribunal found that the adopted price of £830 per m^2 was reasonable for the subject properties.

STATEMENT OF REASONS

Introduction

3. These are 2023 rating list appeals. The subject properties had been entered in the 2023 rating list as “shops and premises” and assessed at an adopted price of £830 per m^2:

   12 Montpelier Vale, London, SE3 0TA - £35,250 rateable value (RV) with effect from 1 April 2023.

   32 Montpelier Vale, London, SE3 0TA - £55,000 RV with effect from 1 April 2023.

   23 Tranquil Vale, London, SE3 0BU - £38,250 RV with effect from 1 April 2023.

4. The challenge proposals were submitted by Ryan Property Tax Services UK Limited on behalf of the appellants, and had been made on the grounds that the RVs shown in the rating list on 1 April 2023 were inaccurate. Revised RVs were sought based on an adopted price of £610 per m^2.

5. The Valuation Officer issued challenge case decision notices on 27 November 2025 which stated that, based upon the evidence and information available, the rating list entries were reasonable and there would be no changes made.

6. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appeals to this Tribunal have been made on the grounds that the valuations for the hereditaments are not reasonable. The appeals were received by the Tribunal in December 2025.

7. Mr Burgess appeared on behalf of the appellants 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), he declared that he was instructed on a contingency based fee, and that he understood and accepted that his duty was to the Tribunal in giving his evidence, and that he would comply with this as well as the requirements of his professional body, regardless of whether or not the evidence supported the clients’ case.

8. The panel accepted this expert witness evidence on the above basis as the appeals were 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.

Relevant Law

11. Rateable value is to be determined in accordance with paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988, which provides:

“(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.

12. 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 2020.

13. 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 appeals, the material day is 1 April 2023.

Discussion

14. The issue in dispute is the Zone A price per m^2 to be adopted for the subject properties, which are retail units located on a high street in Blackheath, London.

15. The panel was aware that the leading judgment of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141, had set out six propositions to be followed when considering the weighting of evidence. The rent on the subject property was considered to be the correct starting point but, where available, rents on similar properties are also to be taken into account. The assessments of other comparable properties may also be relevant. All of the evidence could then be weighted.

16. The panel turned to the rental evidence provided in respect of the subject properties:

12 Montpelier Vale

As confirmed in the challenge case, the property was subject to a rent effective from 3 December 2019, which the Valuation Officer analysed at £835.12 per m^2. A further transaction was scheduled in respect of a new lease agreed on 1 January 2023, which analysed at £858 per m^2.

The parties agreed that the rental transactions were too far removed from the AVD.

32 Montpelier Vale

A rent review effective from 1 November 2021 analysed at £829.97 per m^2. A further transaction was scheduled in respect of a new 15 year lease effective from 20 March 2023, which analysed at £845.03 per m^2.

Mr Burgess submitted that the 2023 transaction was too far removed from the AVD, while the Valuation Officer highlighted that the analysed rent from November 2021 was close to the adopted tone of £830 per m^2.

23 Tranquil Vale

An upwards only rent review effective from 2018 analysed at £877.91 per m^2.

The parties agreed that the rental transaction was too far removed from the AVD.

17. On behalf of the appellants, Mr Burgess submitted that rents agreed closest to the AVD under the statutory assumptions carry the greatest evidential weight. He contended that most weight should be attached to the rental transactions in respect of the following:

18 Tranquil Vale

Subject to a new four year lease, the rent effective from 28 July 2021 analysed at £610.63 per m^2.

Mr Burgess disputed the Valuation Officer's assertion that this was a lease renewal between connected parties. He submitted that a new franchise had taken over in 2021 and that this was a new lease agreed between the company and the landlord.

14 Montpelier Vale

Subject to a new 15 year lease, the rent effective from 2 November 2021 analysed at £727.55 per m^2.

The parties were in agreement that this was a new, clean lease, however, Mr Burgess stated that the Valuation Officer's analysis of £813.34 per m^2 did not reflect the rent free period.

18. The Valuation Officer defended the present adopted price of £830 per m^2 with reference to 14 Montpelier Vale (as cited by Mr Burgess, but analysed at £813.34 per m^2) and the following:

22-24 Montpelier Vale

Subject to a lease renewal of nine years, the rent effective from 1 September 2020 analysed at £852.85 per m^2.

Ground Floor 36 Montpelier Vale

A rent review agreed on a lease which had commenced on 1 December 2012, analysed at £1,314.20 per m^2.

19. In seeking a proposed price of £610 per m^2, Mr Burgess relied on the analysed rents of 18 Tranquil Vale (£610.63 per m^2) and 14 Montpelier Vale (£727.55 per m^2). The panel heard from the Valuation Officer that on review of the lease for 18 Tranquil Vale, it was considered that it was not an arm's length deal. The forms of return for the previous tenant and the new tenant were for Cook Ltd; the new franchisee already had the fixtures and fittings so lower weight should be applied. While Mr Burgess maintained that there was no connection between the parties, in the absence of supporting evidence, the panel considered that the rent should be treated with caution. Consequently, the panel was not persuaded that it supported £610 per m^2 for the subject properties.

20. The panel noted that 14 Montpelier Vale had been cited by both parties in support of their adopted prices. Mr Burgess analysed the rent at £792 per m^2, whereas the Valuation Officer's analysis was higher at £813.34 per m^2. The panel was not persuaded that it was necessary to adjust for such a short rent free period, and therefore preferred the Valuation Officer's analysis. This further demonstrated to the panel that Mr Burgess' proposed price of £610 per m^2 was not supported by the rental evidence in respect of retail units in the locality.

21. The panel found further support for the present adopted price of £830 per m^2 with reference to the rental transaction in respect of 22-24 Montpelier Vale. Mr Burgess stated that this was a lease renewal from 2019, however, it had been scheduled by the Valuation Officer as a lease renewal effective from 1 September 2020.

22. In consideration of all of the available rental evidence, the panel concluded that Mr Burgess had failed to demonstrate that the present adopted price of £830 per m^2 was excessive.

Conclusion

23. The panel concluded that the RVs of the subject properties were not unreasonable, and therefore the appeals were 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 A Kalu, Senior Member
Mr A Asante, Member
3 June 2026

Clerk to the Tribunal
Date issued to the parties: 3 June 2026