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

Case No: CHG101274773

Sitting remotely using Microsoft Teams

Date: 31 December 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — 2023 Rating List — Vehicle repair workshop and premises —Inclusion of first floor — Appeal dismissed

Before:
MR J THOMAS
MR K EVERETT
MR P PATEL

Between:

EUROPEAN TYRE ENTERPRISE LTD (REPRESENTED BY LAMBERT SMITH HAMPTON GROUP LIMITED) — **Appellant**

- and -

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

Regarding:
KWIK FIT, 2119 COVENTRY ROAD, BIRMINGHAM, B26 3EA
(the “subject property”)

Mr D Bullimore for the Appellant
Mr J Green for the Respondent

Hearing date: 5 December 2025

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal Panel confirmed the rateable value (RV) of the subject property at £82,500 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. This was a 2023 rating list appeal. The subject property had been entered in the 2023 rating list as “Vehicle Repair Workshop and Premises” at an RV of £126,000 with effect from 1 April 2023. This was based on an unadjusted base rate of £130.00 per square metre (psm).

4. The challenge proposal was submitted by Lambert Smith Hampton Group Limited on behalf of European Tyre Enterprise Ltd and was received by the Valuation Officer (VO) on 1 October 2024. It had been made on the grounds that the RV shown in the 2023 rating list was wrong and proposed a revised RV of £77,775 based on an unadjusted base rate of £85 psm and the exclusion of the first floor.

5. The VO issued a challenge decision notice in which she found the challenge to be not well-founded; however, she did agree that the unadjusted base rate should be reduced to £85 psm. The RV was therefore reduced to £82,500 with effect from 1 April 2023.

6. Mr Bullimore 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), Mr Bullimore declared that he was instructed under a conditional fee arrangement.

7. Mr Bullimore understood and accepted that his duty was to the Tribunal in giving his evidence and he would comply with this regardless of whether or not the evidence supported his client’s case.

8. Mr Green appeared as both advocate and expert witness. He was not appearing on a conditional fee basis.

9. 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).

10. The Panel therefore considered the expert evidence and attached such weight to it as it saw fit.

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

Background

12. The subject property was constructed between 1940 and 1954 and was located in Birmingham. It was a tyre and exhaust centre which comprised a ground floor and a first floor. Access to the first floor had been removed. The total size of the subject property, including the first floor, was 1,014.31m^2.

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 only issue that remained between the parties was whether the first floor of the subject property, which measured 96.66m^2, should be included in the valuation.

17. The panel heard that the first floor was included in the lease to the current occupier and originally there were stairs leading from the workshop to the entrance door of the first floor. The access was removed by the current occupier, and a staff room was put where the stairs originally were. It was unclear exactly when the stairs were removed, however Mr Bullimore stated that a 2020/21 survey showed the stairs had been removed. Additionally, Mr Green stated a previous challenge in the 2017 list sought the removal of the first floor from the valuation, and a decision notice was issued on 7 November 2022.

18. The parties undertook a joint inspection on 6 November 2025 and three photographs from the inspection were provided to the panel. One photograph showed an external view of the subject

property where the first floor could be seen. The other two photographs were internal views, one showed the staff room in place with a permanent door at a first floor height on the wall above the staff room, and the other showed the roof of the staff room with a view of the first floor door.

19. Mr Bullimore argued that the principal of rebus sic stanibus meant the subject property had to be valued ‘as things stand’, which was with no access to the first floor. Mr Green argued that the door was still in situ and that no evidence had been provided to demonstrate that the first floor was incapable of beneficial occupation. He contended that that the occupiers removed the stairs which was a minor alteration and that when the property was returned to the landlord, it would be expected that the property would be returned in the same state that it was leased.

20. Other than the three photographs and the comments from the two expert witnesses, the panel found there was little evidence provided. The panel accepted Mr Green’s contention that there was no evidence of the state of the first floor, and no argument had been put forward that it was in a dilapidated state.

21. The panel’s decision came down to whether the removal/reinstatement of the stairs to the first floor was a minor alteration. No evidence had been submitted to demonstrate the extent of work that would be required to get access to the first floor. It was the panel’s opinion that on the evidence before it, namely the three photographs, there was nothing to indicate that providing access to the first floor would constitute anything more than minor alterations to the subject property. Therefore, the panel found that the first floor should remain within the valuation of the subject property.

Conclusion

22. In view of the above findings and conclusions, the Tribunal Panel is satisfied that the RV of £82,500 with effect from 1 April 2023 was reasonable. Therefore, the appeal is dismissed.

Right of further appeal

23. 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.

24. 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 J Thomas, Senior Member (Chair)
Mr K Everett, Senior Member
Mr P Patel, Senior Member
31 December 2025

Mrs S Hodgson
Clerk to the Tribunal
Date issued to the parties: 31 December 2025