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

Case No: CHG101274805

Sitting remotely using Microsoft Teams on 20 August 2026

Date: 10 September 2026

**SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988**

*RATING — Local Government Finance Act 1988 — Lotus and Delta v Culverwell (VO) and Leicester City Council [1976] RA 141 — Factory and premises — main space price — appeal dismissed*

**Before:**

**MR WJ READ**
**MR PJ HICKSON**

**Between:**

**NUBY UK LLP** — **Appellant**

**- and -**

**AMANDA HITCHINGS (VALUATION OFFICER)** — **Respondent**

**Regarding:**

**UNIT 13, BURFORD WAY, BOLDON COLLIERY NE35 9PZ**
(the "subject property")

**Mr Graeme Herron** for **Ryan Property Tax Services** for the Appellant
**Mr Spike Hutchinson** for the **Respondent**

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**DECISION AND STATEMENT OF REASONS**

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## DECISION

1. The appeal is dismissed.

2. The Tribunal finds that the current rateable value was reasonable.

## STATEMENT OF REASONS

### Introduction

3. The appellant had made a challenge against the accuracy of the compiled list assessment in the 2023 Rating List, by way of a proposal that he served on the Valuation Officer (VO) on 2 October 2024. After considering the proposal and evidence submitted during the challenge period, the VO decided that the proposal was not well founded. A decision notice to this effect was served on the appellant on 15 December 2025. His representatives then appealed the VO's decision to the Tribunal on 6 March 2026, on the grounds that the current valuation for the hereditament was not reasonable, under regulation 13A of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009.

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

*Background*

5. The subject property was a Factory and Premises with an agreed total area of 2,693m². The RV was £140,000 and had been valued based on an unadjusted main space price of £50/m². Mr Herron was seeking a RV of £126,000 based on a main space price of £45/$m^2$.

6. The subject property had been built in 2001 and had 7 metre eaves height. It was located within an industrial estate, which was one mile from the A19. It had been placed in scheme number 612415. Mr Herron's evidence stated that the scheme was applicable to industrial properties in Tyne and Wear and Northumberland. 2,000$m^2$ properties were valued at £55/m² and 5,000$m^2$ properties were valued at £45/m².

7. The evidence bundles before the panel comprised all of the evidence disclosed and exchanged during challenge which included the parties' comparable assessments, skeleton arguments, an external photograph of the subject property and the appellant's comparable assessments and Mr Herron's revised valuation.

8. As Mr Herron appeared on behalf of the appellant as both advocate and expert witness, the clerk asked if there was a success related fee involved and if so whether its existence was compatible with his 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) dated 3 August 2018.

9. He declared that he was employed by the appellant company. However, Mr Herron confirmed that he understood and accepted that his duty was to the Tribunal in giving his evidence and he would comply with this, as well as the requirements of his professional body, regardless of whether or not the evidence supported the client's case.

10. The panel accepted this expert witness evidence on the above basis as the appeal is not complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions - general) of the Procedure regulations[1] and is 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).

11. Mr Hutchinson confirmed that he was representing the VO as advocate and expert witness. He was not on a contingency fee and confirmed his first duty was to the Tribunal.

12. Mr Hutchinson asked for an Aeriel plan of industrial estate, to be allowed. Mr Herron did not object to it being included.

13. For 2023 rating list appeals the Antecedent Valuation Date (AVD) is 1 April 2021. The material date for the subject properties was 1 April 2023.

**Relevant Law**

14. The term 'rateable value' is defined in Schedule 6 to the Local Government Finance Act 1988 (as amended) (LGFA 1988):

> *"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; and*
>
> *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".*

**Discussion**

15. In the case under consideration, the panel had analysed the competing evidence having regard to the authoritative guidance in *Lotus & Delta v Culverwell (VO) and Leicester City Council* [1976] RA141 dated 20 May 1976. The rent on the subject property is considered to be the correct starting point but, where available, rents on similar properties are also to be taken into account. The assessments on other comparable properties may also be relevant. All of the evidence can then be weighted.

16. In terms of rental evidence, the passing rent for the subject property was £147,500 effective from 1 March 20109 which had been analysed to £43.32/m$^2$ by the appellant and reflected

[1] The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 [SI 2009 No2269]

the 12 month rent free period. This was just over two years before the Antecedent Valuation Date (AVD). However, the panel found this rent to be compelling as there would be an increase in the rents over the two years. Mr Hutchinson had calculated that it would only take growth of 3% per year for the rent to be £50/$m^2$. However, no evidence had been presented to demonstrate the level of growth in the rents from 2019 to the AVD.

17. To further support his argument that the RV was incorrect, Mr Herron referred to a number of comparable properties that were located within the industrial estate such as numbers 4, 9 and 10 Didcot way which the VO had agreed to reduce by £5/$m^2$, to £50/$m^2$ and £45/$m^2$ for number 10. They were also placed within a different VO scheme 612490.

18. However, the panel applied significant weight to the VO's contentions that these units were not as valuable as they were located at the far end of the industrial estate, and, they were inferior to the subject property, as they were older, being built in the 1990s and they had lower eaves height of 5.1 and 5.5 metres.

19. The panel also found the VO's comparable properties were more reliable. 1 Brooklands Way was located in very close location to the subject property. It was very similar in size to the subject property and let from 1 July 2021, which was very close to the AVD. Although it was on a year to year letting, which meets the definition of the rateable value as set out in the LGFA 1988 being "*a hereditament might reasonably be expected to let from year to year"*.

20. However, the VO had contended that the rent would be more for a year to year letting as there was more risk for the landlord. The rent was £180,000 which the VO had analysed to £74.33/$m^2$ which the panel found supported the main space price of the subject property of £50/$m^2$.

21. The panel also found the VO's basket of rental evidence for Units 9 and 10 Burford Way and 5 Brooklands Way were persuasive. They were built at a similar time as the subject property. The lease for 5 Brooklands Way commenced in December 2020 which had been analysed at £47.69 and supported a value of £50/$m^2$ to reflect any growth to the AVD and Units 9 and 10 Burford Way had been agreed at £57.50/$m^2$. Although that unit was smaller, it supported the main space price for the subject property and being larger, the lower main space price of £50/$m^2$ would reflect any quantum allowance.

22. Although the VO had presented a number of other comparable properties, they were not located within the same industrial estate and therefore the panel applied less weight to these, especially as it found that there was sufficient evidence within the same industrial estate to support the existing main space price of the subject property.

**Conclusion**

23. The main space price was supported by the VO's basket of rental evidence, which, for the reasons set out above, the panel found highly persuasive.

24. The panel found Mr Herron's comparable properties were not truly comparable as they were older, had lower eaves height and they were located slightly further away from the subject property.

25. In view of the above findings and conclusions, the Tribunal is satisfied that the current RV and the main space price of £50/$m^2$ was reasonable and it dismissed the appeal.

**Right of further appeal**

26. 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.

27. 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, Presiding Senior Member
Mr PJ Hickson, Senior Member
10 September 2026

Mr Richard Gath IRRV (Hons)
Clerk to the Tribunal
**Date issued to the parties:** 10 September 2026