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

Case No: CHG101275529

Sitting remotely using Microsoft Teams on 14 April 2026

Date: 8 May 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 Rating List Appeal: challenge against compiled list entry; shop and premises; accuracy of rateable value; Lotus & Delta v Culverwell (VO) and Leicester City Council [1976] RA 141; *appeal dismissed.*

Before:

MR C BUSST
MS K PETRECZKY

Between:

DIPPLE & SON LTD — **Appellant**

- and -

KAREN GILES (VALUATION OFFICER) — **Respondent**

Regarding:

2/6, SWAN LANE, NORWICH NR2 1JA
(the "subject property")

Mr S Penny of Ryan Property Tax Services (as advocate and expert witness on behalf of the appellant)
Mr S Wright (as advocate and expert witness on behalf of the respondent)

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal confirms the rateable value (RV) of £41,500 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. This appeal had been brought in respect of 2/6 Swan Lane. Norwich NR2 1JA (the subject property), which was entered in the 2023 Rating List as 'shop and premises' at an RV of £41,500 effective from 1 April 2023.

4. The appellant's Challenge was submitted by their representative on 3 October 2024 and sought a reduction in the RV to £27,250 with effect from 1 April 2023. The appeal to this Tribunal was made on 13 November 2025, following the Valuation Officer's (VO) Decision Notice of 15 October 2025 in respect of the subject property.

5. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appeal to this Tribunal has been made on the grounds that the valuation for the hereditament is not reasonable.

6. The subject property was a retail premises constructed prior to 1900, located on cobbled streets near Norwich Lanes and was 333.60m^2. It falls within the Valuation Office Agency's scheme 618055 for shops in Norwich city centre. The surrounding area comprises historic lanes which generally attract limited interest from major national retailers, due to relatively low footfall and the constraints associated with adapting older buildings. As a result, the location has historically experienced difficulties in attracting and retaining occupiers.

7. Mr Penny appeared on behalf of the appellant as both advocate and expert witness. Therefore, it was important to ascertain 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). Mr Penny confirmed that he was instructed under a contingency fee and he declared 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 his client's case.

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

Issue

11. The issue for the panel to make a finding on was the zone A rate for the subject property which is presently £400/m^2 with a RV of £41,500. The appellant submits that this rate is too high and that a value of £262.50/m^2 was reasonable giving an RV of £27,250

Relevant Law

12. In arriving at a decision, the panel is governed by rating legislation laid down by Parliament where Schedule 6 to the Local Government Finance Act 1988 as amended by the Rating (Valuation) Act 1999, 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.

13. 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 2014 (SI 2014 No. 2841).

14. 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 date is 1 April 2023 being the commencement date the 2023 rating list.

Discussion

15. The appeal hereditament 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). The date of the hypothetical rent was 1 April 2021.

16. The panel turned to the six propositions set down in *Lotus & Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 which was binding on this panel. The first two propositions are:

    (1)Where the hereditament which is the subject of consideration is actually let, that rent should be taken as the starting basis.

> (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 section 19(6) of the General Rate Act 1967 the more weight should be attached to it. (These statutory requirements now contained in Schedule 6, Para 2 (1) Local Government Finance Act 1988 (as amended by the Rating (Valuation) Act 1999)).

17. The panel noted that the subject property was held on a freehold basis and so there was no rental evidence for the subject property. The appellant had been in occupation since 1894 and it was therefore a historic retail property.

18. The panel therefore looked to the comparable properties provided by both parties. The third and fourth propositions set out in *Lotus and Delta* were considered by the panel in regard to the comparable properties put into evidence by both parties:

> (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 be properly be referred to as giving an indication of that opinion.

19. The panel first considered the appellant's submissions that the adopted zone A rate was excessive when compared with the corresponding rate applied in the 2017 rating list. He submitted that, in general, retail property rental values in Norwich had declined, as evidenced by reductions in zone A rates for a number of comparable properties between the 2017 and 2023 rating lists. The appellant referred the panel to the RV on 12 Castle Mall which had a 49% reduction and 26 Gentlemans Walk which had a reduction of 25% between the lists. The panel found they could put little weight on using the percentage changes between rating lists.

20. In contrast, the RV of the subject property had increased by approximately 7% between the 2017 and 2023 rating lists. The panel noted that the comparable properties relied upon by the appellant were limited to properties within the valuation scheme that had experienced either no increase or a reduction in RV between the two lists. The panel further observed that a significant number of other properties within the same scheme had received increases in their RV.

21. The panel noted that the reduction proposed by Mr Penny, to £262.50/m², represented a reduction of approximately 34%, which was greater than any reductions observed amongst the comparables within the same valuation scheme. The panel also had regard to the fact that each rating list is compiled by reference to a different AVD, such that rateable values reflect market conditions prevailing at those respective dates. Furthermore, each rating list is prepared 'de novo', and therefore the panel put little weight on these direct comparisons between lists in determining an RV.

22. The panel considered the comparable properties advanced by the appellant:
    (1) 2 Rampant Horse Street, within the same valuation scheme, with an ITMS of 156.25m². While there was post-AVD rental evidence, the lease dated March 2022 reflected a

market recovering from the Coronavirus pandemic and therefore values closer to the AVD would likely have been lower.

(2) 211, 141 and 142 Merchants Hall, had lease dates between 24 December 2018 and 12 July 2022, and ITMS ranging from 98.29m² to 236.27m². These had a UAR of £1,200/m² and analysed rents between £912.36/m² and £1,169.30/m².

(3) 20 Bedford Street, let on 1 August 2022, with an ITMS of 87.07m², an analysed rent of £273.93/m² and a UAR of £340/m².

(4) 8/10 Bank Street, let on 1 June 2022, with an ITMS of 165.10m² with an analysed rent of £486.20/m² and a UAR of £260/m².

23. The panel noted that many of these leases were post-AVD and they arose during a period of recovery following the pandemic and were not considered to be representative of market conditions at the AVD. The panel further took into account locational and physical differences. In particular, 2 Rampant Horse Street was closer to the main shopping centre, and therefore not directly comparable. The Merchants Hall properties were situated within a shopping centre and in a different part of Norwich, rendering them unsuitable comparables. 20 Bedford Street was significantly smaller by approximately 211.2m² and located in a secondary position, limiting its comparability. 8/10 Bank Street was also located some distance from the subject property, in an area predominantly occupied by estate agents and solicitors. For these reasons, the panel attached little weight to these comparables.

24. The panel then considered the comparable evidence advanced by the VO. This included three properties on Lower Goat Lane, comprising a lease, a lease renewal and a rent review. These were generally smaller than the subject property, with the exception of 14/16 Lower Goat Lane, which had an ITMS of 110.30m² compared to 333.60m² for the subject property. Nevertheless, it represented a new letting effective from 1 January 2020. The panel also considered 9 Swan Lane with an ITMS of 52.42m², subject to an open market letting dated 1 December 2020, close to the AVD. This analysed to £437.94/m² and had a UAR of £400/m². It was located within close proximity to the subject property and in a similar environment characterised by small independent occupiers.

25. The panel noted that all of the LO’s comparable properties comprised rental evidence at or close to the AVD and therefore were more reflective of the market conditions at the AVD. The analysed rents ranged between £373.31/m² and £486.54/m², with a UAR of £400/m². The panel found that this demonstrated an established tone of value within the locality supporting a rate of £400/m² for the subject property and attached weight to this evidence.

26. The panel now turned to the fifth and sixth propositions from *Lotus and Delta*, namely:

(5) In light of all the evidence an opinion can then be formed of the value of the appeal hereditament, the weight to be attached to 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 each circumstance, it would be difficult to reject the evidence of the actual rent.

27. Applying those principles, the panel found that the totality of the evidence advanced by the VO was more persuasive. In particular, weight was attached to 14/16 Lower Goat Lane, being supported by lease renewal and rent review evidence proximate to the AVD, and to 9 Swan Lane, being an open market letting close to the AVD. In accordance with the principles

in *Lotus & Delta*, the panel concluded that the weight of evidence supported an unadjusted rate of £400/m².

28. The panel was aware that, in appeals of this nature, the burden of proof rests with the appellant to demonstrate that the RV was incorrect. The panel found that the appellant had failed to discharge that burden. The comparable properties relied upon by the appellant were either too remote in location or insufficiently comparable in size and character to attract significant weight. The panel further found that comparisons between the 2017 and 2023 rating lists were of limited assistance, given the differing AVDs and the ‘de novo’ basis of each rating list. Accordingly, the panel was satisfied that the existing assessment was reasonable.

Conclusion

29. In view of the above findings and conclusions, the Tribunal is satisfied that the current RV of £41,500 with effect from 1 April 2023 and dismissed the appeal.

Right of further appeal

30. 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.

31. 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 C Busst, Senior Member (Chair)
Ms K Petreczky, Member
8 May 2026

Miss F Willson
Clerk to the Tribunal
Date issued to the parties: 8 May 2026