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

Case No: CHG101331591

Sitting remotely using
Microsoft Teams

Date: 4 March 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Warehouse and premises — Unadjusted base rate —Appeal allowed

Before:
MR A HETHERTON
MS LA OWUSU-AFRIYIE
MRS AE FIELDER

Between:

PREEMA INTERNATIONAL LIMITED — **Appellant**

- and -

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

Regarding:
171 CAMFORD WAY, LUTON, LU3 3AN
(the "subject property")

Mr B Porter for the Appellant
Miss A Przyborski for the Respondent

Hearing date: 2 February 2026

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed.

2. The Tribunal determined a rateable value (RV) of £137,000 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 “Warehouse and Premises” at an RV of £155,000 with effect from 1 April 2023. This was based on an unadjusted base rate of £65 per square meter (psm).

4. The challenge proposal was submitted by Ryan Property Tax Services UK Limited on behalf of Preema International Ltd and was received by the Valuation Officer (VO) on 18 March 2025. It had been made on the grounds that the RV shown in the 2023 rating list was wrong and proposed a revised RV of £125,000 based on an unadjusted base rate of £52.50 psm.

5. Following the exchange of evidence and discussions throughout the challenge period, Mr Porter revised his proposed valuation to £137,000 RV based on an unadjusted base rate of £57.50 psm.

6. The VO issued a challenge case decision notice. The VO’s decision was to treat the appellant’s challenge as not well-founded and proposed no change to the rating list.

7. Mr Porter 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 Porter declared that he was instructed under a conditional fee arrangement.

8. Mr Porter 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.

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. Miss Przyborski appeared as both advocate and expert witness.

12. The parties did not draw to the attention of the panel any corrections, oversight or omissions from the bundles at the start of the proceedings. This statement of reasons is not and does not purport to be a full verbatim record of proceedings.

Background

13. The subject property was a two-storey industrial unit, located north of Luton on the Sundon Park Industrial Estate. The property was built in the 1980's and measured 2,381.01m^2 with an eaves height of 6.4m.

Relevant Law

The Local Government Finance Act 1988

14. 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.

15. 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.

16. 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

17. During the hearing Miss Przyborski referred to a mezzanine floor that had been missed from the valuation of the subject property, and she had reanalysed the evidence to include this additional size. The hearing was stopped at this point as the introduction of a mezzanine floor was new evidence that had not been agreed at the check stage of the process or discussed with Mr Porter prior to the hearing.

18. The panel retired to consider the new evidence. In doing so it considered the Upper Tribunal's guidance to Tribunal panels in the instance of a breach of standard directions and applied the three-stage test as outlined in Denton v TH White Ltd [2014] WLR 3926 and the steps that should be undertaken before considering whether or not to impose a sanction.

    Stage 1 – if panels conclude that the breach is not serious or significant then relief from sanctions should usually be granted (para. 53).

Stage 2 – the panel need to consider why the failure or default occurred. The burden is on the defaulting party to persuade the Tribunal to grant relief. They must explain what happened and why. Illness or accidents are good reasons but overlooking a deadline is not (para. 54).

Stage 3 - The panel must consider all the circumstances of the case including: (i) (ii) (iii) the need for litigation to be conducted efficiently and at proportionate cost; a failure to grant a sanction may leave an inaccuracy being uncorrected; the need to enforce compliance with rules, directions and orders (para. 55)

19. The panel found that there had been a significant breach for which there was not a satisfactory reason provided as to why the evidence had not been disclosed to the appellant's representative prior to the hearing, nor the Tribunal at the start of the hearing. Considering the appeal as a whole, the panel found that Mr Porter would be disadvantaged by the inclusion of this new evidence. In addition, the size of the subject property had been agreed at the check stage of the process and therefore the panel did not include the new evidence. The panel returned to the hearing room and Mr Hetherton provided the decision and reasons to the parties.

20. Miss Przyborski was also reminded of her obligations as a Chartered Surveyor in giving evidence to the Tribunal and the guidance set out by the Royal Institution of Chartered Surveyors as both mandatory, and supplementary, guidance for members appearing before a Tribunal.

21. The leading judgment of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141, referred to by both parties, set out six propositions to be followed when considering the weighting of evidence:

    1. Where the hereditament which is the subject of consideration is actually let that rent should be taken as the starting point.
    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 s.19(6) of the General Rate Act 1967 the more weight should be attached to it.
    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 properly be referred to as giving an indication of that opinion.
    5. In light of all the evidence an opinion can then be formed of 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 such circumstances, it would be clearly more difficult to reject the evidence of the actual rent.

22. The panel heard from the parties that there was a rent on the subject property. The passing rent was £144,000 per annum with effect from 18 September 2018. Both parties placed no weight on the subject rent as it was between connected parties and was too far removed from the AVD.

23. Four comparable assessments had been provided by Mr Porter and five by Miss Przyborski. Of Mr Porter's comparable assessments, one was half the size of the subject property and three were less than 25% of the size of the subject property. They were in the rating list at £80 psm and £95 psm. The panel placed less weight on these properties as it did not find them to be as comparable to the subject property due to the significant difference in size.

24. Quality Repair Centres was similar to the subject property at 2,523.53m^2 and was in the rating list at £65 psm. However, the panel noted that it was located in a different area to the subject property and closer to the airport. It was the panel's opinion that this property demonstrated the quantum for the larger industrial units compared to the much smaller properties, but it was in a superior location due to the airport proximity and access.

25. The panel placed the most weight on 176 Camford Way. Both parties agreed that this was the most comparable to the subject property in terms of location, age, and size. 176 Camford Way was built at the same time as the subject property, on the same site. It measured 2,696m^2. 176 Camford Way had a passing rent of £190,000 effective from 1 June 2021. The VO had adjusted the rent to £167,326 and analysed it to £57 psm. This was a lease renewal with five yearly rent reviews.

Conclusion

26. In view of the above findings and conclusions, The Tribunal Panel is satisfied that the RV of the subject property was unreasonable and determined an RV of £137,000 with effect from 1 April 2023 based on an unadjusted base rate of £57.50 psm and the valuation in the evidence statement set out by Mr Porter. Therefore, the appeal was allowed.

Floor	Description	Area (m^2)	£/m^2	Value (£)
First	Office	128.06	69.00	8,836
Ground	External Storage	56.89	43.13	2,453
Ground	Office	184.46	69.00	12,728
First	Office	77.20	69.00	5,327
Ground	Warehouse	714.40	56.06	40,051
Ground	Warehouse	1220.00	56.06	68,396
			Total	**£137,791**

27. The Tribunal Panel orders pursuant to Regulation 38 of the Valuation Tribunal for England (Council Tax and Rating Appeals) (England) Regulations 2009 [SI 2009 No 2269] that the respondent shall alter the 2023 rating list in respect of 171 Camford Way, Luton LU3 3AN within two weeks.

Right of further appeal

28. 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.

29. 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 A Hetherton, Senior Member (Chair)
Ms LA Owusu-Afriyie, Senior Member
Mrs AE Fielder, Senior Member
4 March 2026

Mrs S Hodgson
Clerk to the Tribunal
Date issued to the parties: 4 March 2026