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

Case No: CHG101349526

Sitting remotely using Microsoft Teams

Date: 11 February 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 Rating List Appeal: Local Government Finance Act 1988; Warehouse and premises; Correct main space rate to be applied; Appeal allowed.

Before:
MRS S SOHOTA
MR OL ROBERTS

Between:

C FULLARD METALS LTD **Appellant**

- and -

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

Regarding:
UNITS 60-64,OWEN ROAD INDUSTRIAL ESTATE, WILLENHALL,WV13 2PX
(the "subject property")

Mr M Caldwell, from Ryan Property Tax Services Ltd representing the Appellant
Mr M Adepoju, representing the Respondent

Hearing date: 15 January 2026

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed.

2. The Tribunal Panel determined the appeal property's existing assessment of £54,500 Rateable Value (RV) was excessive and reduced it to £44,000 RV, with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. This appeal had been brought in respect of the following: Units 60-64,Owen Road Industrial Estate, Willenhall, WV13 2PX, which was entered in the 2023 Rating List as Warehouse and Premises at £54,500 Rateable Value, with effect from 1 April 2023.

4. The appellant’s challenge to the Valuation Officer (VO) was made on 30 April 2025. The appeal to this Tribunal was made on 12 August 2025, following the VO’s decision notice of 23 June 2025, that the subject property’s Rateable Value would remain unaltered. The material day in this appeal is 1 April 2023.

5. The subject property is a warehouse built in the 1950’s, stated to be a typical construction for a building of its age having brick and block walls and a profile metal sheet roof. The total significant area of the property is 1616.35m². The property is located on the Owen Road Industrial Estate, with close proximity to the A454. .

6. Mr Adepoju stated that he was appearing in a dual role as both advocate and expert witness for the respondent.

7. Mr Caldwell was appearing on behalf of the appellant as 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 Mr Penny’s 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). He confirmed that he was representing the appellant at the hearing on a contingency fee basis, declaring that he understood and accepted that his duty was to the Tribunal in giving his evidence and 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.

8. The panel have accepted this 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 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). The panel therefore considered the “expert” evidence and attached such weight to it as it saw fit.

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

Background

10. The appellant sought a reduction in the RV of the subject property to £44,000, on the basis that the unadjusted rate (UAR) of £34.00/m^2 was excessive and that it should be reduced to

£27.50/m^2. The appellant's request was revised, having at challenge stage, requested the RV be reduced to £40,000 based on an unadjusted rate of £25.00/m^2.

Relevant Law

11. When arriving at its decision, the panel is governed by rating legislation laid down by Parliament. Schedule 6 to the Local Government Finance Act 1988, as amended by section 1(2) of the Rating (Valuation) Act 1999, defines the Rateable Value of a non-domestic property as the amount equal to the rent at which it is estimated the property might reasonably be expected to let on a year to year basis 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 the 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 (SI 2020 No. 832). In respect of this appeal the material day is 1 April 2023.

Discussion

13. The issue for the panel to determine was if the current UAR applied to the subject property's assessment was unreasonable. Mr Adepoju supported the existing UAR of £34.00/m^2. Mr Caldwell sought a reduced UAR of £27.50/m^2 stating that when determining the rateable value, the assessment was not in line with the available evidence.

14. The panel was aware that the Lands Tribunal judgment in *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 provided authoritative guidance on the weight to be attached to rental and assessment evidence. This case had established six propositions that gave clear guidance to be followed when assessing rateable value. Bearing these six propositions in mind, the panel acknowledged that the rent on the subject property, where available, was considered to be the correct starting point and consideration to how that rent compared to the statutory definition of rateable value. The rents on similar properties were also considered and assessments on other comparable properties may also be relevant. All of the evidence could then be weighted.

15. In considering whether the current RV was reasonable, the panel turned to the rent passing on the subject property. The appellant's representative stated the rent on the subject property at £35,000 per annum was via a new 15-year lease effective from 14 March 2021, which devalues to £20.14/m^2. This, he stated was a clean letting very close to the AVD which suggested the current £34/m^2 unadjusted rate was significantly over-valued and following *Lotus v Delta* this should be considered as the best and most primary evidence in the determination of a suitable value for the subject. However, according to the respondent's representative, the VO's records show this letting as a rent review with a rent of £35,000

analysing to £21.77/m^2 effective from 1 March 2022. The respondent argued that low weight be attached to this rent as it is a rent review and a post AVD rent, with the best approach for the panel to consider being a wider basket of evidence, comparing rental evidence on similar properties.

16. In addition to the rent of the subject property, both parties, in support of their cases, referred to the rent of comparable properties. In the respondent's decision notice, evidence was submitted in respect of the rent of seven properties, regarded to be comparable. Of these seven, one was a new letting, for Unit 2D Masonry Trading Estate, 135A Bloxwich Road, Walsall, which was of a similar size and age to the subject property. The rent of £48,290 was stated to analyse at £29.94/m^2 effective from 1 September 2020.

17. Three of the seven properties submitted by the VO were lease renewals, with the remaining three being rent reviews. The rents in respect of the properties with lease renewals were stated to analyse at values of £28.88/m^2 from 1 March 2020, £31/m^2 from 1 March 2021, and £34.44/m^2 from 1 April 2020. The property with the highest rental analysis value was the latter of these rents, which was in respect of C W G Choices Ltd, Shenstone Drive, Walsall, which was similar in age and size to the subject property, whereas the other two, Unit 4, Beecham Business Park, Walsall, and 257 Darlaston Road, Wednesbury, were larger in size than the subject property, therefore taking quantum into account, the respondent argued that the unadjusted rate of £34.00/m^2 for the subject property was reasonable.

18. Two of the properties that were subject to rent reviews, Units 1-2 & 4 Access Point Industrial Centre, Willenhall Lane, Willenhall, and Units 1 & 2C Masonry Trading Estate, 135 Bloxwich Road, Walsall, both similar in size and age to the subject property, had rents which the VO analysed at £32/m^2. The rent for Units 1 & 2, Electrium Point, Forge Road, Willenhall, significantly larger in size than the subject property, analysed at £55.52/m^2.

19. In the appellant's evidence bundle and during verbal evidence, the appellant's representative concurred with the respondent, that Unit 2D Masonry Trading Estate, 135A Bloxwich Road, Walsall, referred to in paragraph 16 above, was highly comparable to the subject property. This, as the only new letting, of comparable property rents submitted, analysing at £29.94/m^2 was stated to support the argument that the £34/m^2 unadjusted rate for the subject property necessitated a downward adjustment.

20. During his verbal testimony, the appellant's representative also referred to the property at Alucast Ltd, Western Way, Wednesbury, which was one of three properties referred to as comparable settlement evidence in the challenge submission. This property, stated to be in the same valuation scheme as the subject property, was entered into the 2023 Rating List with an unadjusted rate of £30/m^2, a thirteen per cent difference to the subject property's rate. The appellant's representative stated, following a challenge the unadjusted rate for Alucast Ltd had been reduced to £25/m^2. This was £9/m^2 less than the subject property and if a thirteen percent reduction were to be applied to the subject property, then an adjusted rate in the region of £28/m^2 would be applicable. Whilst this purported comparable property was stated to be similar in terms of location and age, it was more than twice the size, with the respondent contending that the size differential signified that it was not like for like and therefore not comparable.

21. Additionally, the respondent's representative during his verbal submissions also explained why the VO did not regard the other two settlement comparable properties, Craig & Derricott Ltd, Hall Lane, Walsall Wood, Walsall, and Chamberlain & Hill Ltd, Chuckery Road, Walsall, to be comparable to the subject property.

22. In reaching a decision, the panel found the most compelling evidence to be the rent of the subject property, together with the rental evidence in relation to Unit 2D Masonry Trading Estate, 135A Bloxwich Road, Walsall. The documentary and verbal evidence did not support the respondent's assertion that the March 2021 rent for the subject property was not a new letting, like that of Unit 2D Masonry Trading Estate, 135A Bloxwich Road, Walsall. The panel noted the respondent's comments that the eaves height of the subject property was 11metres, larger than the eaves heights of 3metres to 6metres, at the aforementioned comparable properties. However, the appellant's representative stated that the relativities within the valuation factored in adjustments for height, as well as lack of heating. This was not disputed by the respondent.

23. Taking the above into consideration, the panel agreed that an unadjusted rate of £27.50/m^2 was appropriate and fairly reflected the attributes of the subject property.

Conclusion

24. In view of the above findings and conclusions, the panel was satisfied that the current assessment was unreasonable. The panel determined that an assessment of £44,000 RV more accurately reflected the appeal property, and the panel calculated a revised valuation, as shown below:

Floor	Description	Area m^2	£/m^2	Relativity	Price Adopted	Value (£)
Ground	Warehouse	1422.40	27.50	1.024	28.16	40,054.78
Ground	Office	93.39	27.50	1.259	34.62	3,233.40
Ground	Mess/Staff Room	17.87	27.50	1.125	30.94	552.85
First	Office	82.69	27.50	1.259	34.62	2,862.93
Ground	Canopy	260.50	27.50	0.154	4.24	1,103.22
				Valuation sub-total		**47,807**
		Less 7.5% allowance for divided/split unit				3,585
				Valuation Total		**44,222**
Say £44,000 Rateable Value, with effect from 1 April 2023						

Order

25. Accordingly, the Tribunal Panel order the Valuation Officer to reduce the 2023 Rating List entry to £44,000 RV, with effect from 1 April 2023, within two weeks of the date of this Order.

26. The Appellant is also entitled to a full refund of the fee paid in accordance with regulation 13E(1)(a) of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009 (as amended).

Right of further appeal

27. 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.

28. 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/.

Mrs S Sohota, Senior Member (Chair)
Mr OL Roberts, Senior Member
11 February 2026

Mr R Patel
Clerk to the Tribunal
Date issued to the parties: 11 February 2026