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

Case No: CHG101368898

Sitting remotely using Microsoft Teams on 22/04/2026 10:00

Date: 8 May 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — 2023 rating list — factory and premises — Lotus & Delta Ltd v Culverwell (VO) And Leicester City Council [1976] RA 141 — tone of value for main space — appeal dismissed.

Before:

MRS M CHAGGAR
MR C PARK

Between:

EASYPACK/POP DISPLAYS GROUP LIMITED — **Appellant**

- and -

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

Regarding:

EASYPACK, FINCHLEY AVENUE, MILDENHALL, BURY ST EDMUNDS IP28 7BG
(the "subject hereditament")

Mr S Penny of Ryan Property Tax Services UK Limited for the **Appellant**
Miss A Przyborski of the Valuation Office, HMRC for the **Respondent**

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed. The panel confirmed the rateable value (RV) of the subject hereditament at £99,500 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

2. The appeal process began with a proposal made by the Appellant on 23 June 2025 in respect of the Respondent's compiled 2023 rating list entry of the subject hereditament at £99,500 RV with effect from 1 April 2023. The Appellant proposed a revised assessment of £83,000 RV from that date based on a reduced tone of value for main space from £30 per m^2 to £25 per m^2.

3. The Respondent issued a challenge case decision notice on 13 October 2025 which stated that the proposal was not well-founded. The Appellant appealed that decision to this Tribunal on 6 November 2025, on the grounds that the valuation for the subject hereditament was unreasonable.

4. At the hearing, the Appellant stated that he had made a clerical error in the sought tone of value of main space he had cited of £25 per m^2. He clarified he was seeking £25.75 per m^2.

5. The subject hereditament was a factory and premises of 3,481.50m^2, constructed in 1971 and refurbished in 2008, located in Mildenhall. The hereditament was valued within the Valuation Office Scheme 643619, which applies to industrial properties in Suffolk between 3,000m^2 and 10,000m^2, constructed between 1971 and 1999.

6. Mr Penny appeared on behalf of the Appellants as both advocate and expert witness. In view of the Upper Tribunal's judgment in *Gardiner & Theobold LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), the representative confirmed that he was instructed under a conditional fee arrangement. He declared 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.

7. The panel accepted this expert witness on the above basis as the parties agreed the appeal was not complex and to do otherwise would be contrary to regulation 3 (Discharge of Valuation Tribunal for England (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). The panel therefore considered the "expert" evidence and attached such weight to it as it saw fit.

8. The panel was required to determine the correct RV to be attributed to the subject hereditament in the 2023 rating list. The issue in dispute concerned the tone of value for main space.

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

Relevant Law

10. The subject 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 be let from year to year on a number of assumptions. Those assumptions are listed in paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988.

11. In accordance with the Rating Lists (Valuation Date) (England) Order 2014 (SI:2014 No.2841), the date of the hypothetical rent was 1 April 2021, the antecedent valuation date (AVD). This common date was used to ensure that every property was treated in a consistent way.

12. Matters that affected the physical state or enjoyment of the property or the locality were to be taken at the material day, as outlined by the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 (SI 1992 No. 556) as amended. In respect of the subject hereditament, the material day is 1 April 2023.

13. The Lands Tribunal decision of *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* [1976] RA 141 is referred to in this decision.

Analysis

14. It is a well-established rating principle that the starting point in the determination of a property's RV should be the rent passing on the subject hereditament itself. Both parties contended that there was uncertainty regarding the rent for the subject hereditament as it appeared to involve connected parties and there was also doubt as to whether it was a lease renewal rather than a new open market letting.

15. In the absence of certainty regarding the passing rent at the subject hereditament, the Appellant relied on what he described as wider rental and settlement evidence from comparable assessments in the locality. The Appellant placed his principal reliance on 5 Wimbledon Avenue, Brandon, which had a settlement agreed between Ryan Property Tax Services UK Limited, Mr Penny's employer, and the Valuation Officer (VO). That challenge agreement reduced the adopted tone of value for main space from £30.00 per m² to £25.25 per m². Mr Penny contended that 5 Wimbledon Avenue was of similar size and character to the subject hereditament, both properties fell within the same Valuation Office Scheme, and the same valuation approach should therefore be adopted for the subject hereditament. When asked, Mr Penny, who was involved in the settlement, stated that the agreement was based on the passing rent at the property and a basket of evidence.

16. The Appellant also referred to three comparable hereditaments with rental evidence, also in the same Valuation Office Scheme as the subject hereditament. 227 London Road, Brandon, which was 18738.64m^2, had a rent at £255,750 per annum effective from 14 May 2019. Mr Penny had analysed that rent to £12.03 per m^2, whilst the Respondent had adopted a tone of value of main space at £25.00 per m^2. Silverline Office Equipment Ltd, James Carter Road, which was 10092.40m^2, had a rent at £295,000 per annum effective from 18 July 2019. Mr Penny had analysed that rent to £23.62 per m^2, whilst the Respondent had adopted a tone of value of main space at £30.00 per m^2. Laurence Walter House & Unit 1, Addison Road, which was 6159.64m2, had a rent at £195,000 effective from 13 April 2022. Mr Penny had analysed that rent to £25.21 per m^2, whilst the Respondent had adopted a tone of value of main space at £32.00 per m^2.

17. The Respondent submitted that the Appellant's evidence was insufficiently reliable or comparable to the subject hereditament to displace its adopted tone of value for main space of £30.00 per m^2. Miss Przyborski acknowledged that the tone of value of main space at 5 Wimbledon Avenue was settled at £25.25 per m^2, however argued that little weight should be attributed to it given it was circa 9.7 miles away from the appeal property and therefore in a different market area, and in a less prominent location as the subject hereditament was closer to the A11 and located on a larger industrial estate.

18. Miss Przybroksi contended that little weight should also be attributed to the three comparable assessments with rental evidence relied on by the Appellant. She argued that 227 London Road, Brandon was not comparable to the subject hereditament as it was significantly larger than it, part of the property was tenant-built in 2016, and the rent was derived from a rent review on a longstanding tenancy originating in the 1970s. She contended that Silverline Office Equipment Ltd, James Carter Road was also larger than the subject hereditament, its rent was a lease renewal rather than an open market letting, the rent review provisions were uncertain and the assessment was previously subject to a challenge to its tone of value for main space of £30 per m^2 but subsequently withdrawn. She argued that the rent at Laurence House & Unit 1 Addison Road involved connected parties, the rent review was in May 2022, and the property was circa 23 miles from the subject hereditament.

19. In support of the subject hereditament's tone of value for main space at £30.00 per m^2, the Respondent provided comparable assessments with rental evidence which Miss Przybroksi argued to be on the same estate as the subject hereditament and therefore in its immediate locality and an accurate reflection of the prevailing market conditions in that specific area. Plot 60, James Carter Road, was 1942.50m^2, built in the 1980s, had had a new letting effective from 1 July 2021 at £85,000 per annum, analysed to £37.54 per m^2. The Respondent had adopted a tone of value for main space of £35.00 per m^2. Unit 15, Chiswick Avenue was 2236.86m^2, built in the 1960s, and had a new letting effective from 1 May 2022 at £118,473 per annum, analysed to £50.29 per m^2. The Respondent had adopted a tone of value for main space of £35.00 per m^2. Plot 52 Chiswick Avenue was 3907.30m^2, built in the 1960s, and had a rent renewal effective from 19 November 2021 at £165,400 per annum, analysed to £32.11 per m^2. The Respondent had adopted a tone of value for main space of £37.50 per m^2. Units 1 and 1A Hamstead Court, Hampstead Avenue was 1124.05m^2, built in 1977 and had a new letting agreed effective from 1 March 2022 at £60,385, analysed to £53.62 per m^2. The Respondent had adopted a tone of value for main space of £37.50 per m^2. Miss Przybroksi contended that the subject hereditament had a lower adopted tone to account for quantum as, excluding Plot 52 Chiswick Avenue which had the same adopted tone, it was larger.

20. In accordance with *Lotus and Delta*, the panel accepted that the established principle was that the starting point for valuation should ordinarily be the rent passing on the subject hereditament itself. However, in the present appeal, both parties agreed that the passing rent at the subject hereditament could not safely be relied upon due to uncertainty surrounding the relationship between the parties and whether the transaction represented a genuine open market letting or merely a lease renewal between connected parties. The panel therefore placed limited weight on the passing rent at the subject hereditament.

21. In those circumstances, the panel was required to consider the wider body of comparable and rental evidence in order to determine whether the Respondent's adopted tone of value of £30.00 per m² was excessive. The panel considered the Appellant's principal reliance on 5 Wimbledon Avenue, Brandon. Whilst the panel acknowledged that this hereditament was the subject of a challenge settlement reducing the adopted tone from £30.00 per m² to £25.25

per m², it was not persuaded that this settlement was determinative of the correct assessment for the subject hereditament. The panel found that property occupied a different market position from the subject hereditament as the evidence demonstrated that the subject hereditament benefitted from closer proximity to the A11 and was situated within a larger and more prominent industrial estate. The panel considered that these locational advantages were capable of supporting a higher tone of value.

22. Furthermore, the panel noted that the settlement at 5 Wimbledon Avenue was influenced by matters specific to that hereditament, including its passing rent and the particular evidential context of that agreement, which it found to be in markedly different location. The panel was not therefore satisfied that the settlement justified the wholesale adoption of a £25.00 per m² tone for the subject hereditament.

23. The panel also considered the three rental comparable assessments relied upon by the Appellant. In relation to 227 London Road, Brandon, the panel found that the hereditament was significantly larger than the subject hereditament, included tenant-built accommodation, and derived its most recently agreed rent from a longstanding tenancy arrangement originating in the 1970s. The panel was satisfied that these factors materially reduce its evidential weight due to the differences to the subject hereditament. Similarly, the panel attributed limited weight to the evidence relating to Silverline Office Equipment Ltd, James Carter Road. The evidence indicated that the transaction involved a lease renewal rather than a straightforward open market letting and the property was also significantly larger than the subject hereditament. The panel considered that Laurence Walter House & Unit 1 Addison Road was weakened by the connected-party nature of its transaction, and its location was a significant distance of 23 miles from the appeal property, and therefore not an accurate reflection of its immediate market.

24. By contrast, the panel found the Respondent's comparable evidence to be more persuasive. The Respondent relied upon several hereditaments situated on the same industrial estate, or within the immediate locality of the subject hereditament, thereby providing stronger evidence of rental levels prevailing in the relevant market area at or around the AVD. The rents analysed by the Respondent at Plot 60 James Carter Road, Unit 15 Chiswick Avenue, Plot 52 Chiswick Avenue, and Units 1 and 1A Hampstead Court all supported tones of value materially above the adopted tone of £30.00 per m² applied to the subject hereditament. The panel accepted that these transactions, being geographically proximate and reflective of local market conditions, are of greater evidential weight than the more distant and less comparable properties relied upon by the Appellant. Excluding Plot 52, Chiswick Avenue, the rents were all new lettings, with Plot 60, James Carter Road being agreed just three months post the AVD.

25. The panel also accepted the Respondent's submission that the subject hereditament's comparatively lower adopted tone reflected an allowance for quantum, given its larger size relative to several of the Respondent's comparable assessments.

26. Standing back and considering the valuation evidence as a whole, the panel was not satisfied that the Appellant has demonstrated that the adopted tone of £30.00 per m² was excessive or outside the range of reasonable valuation judgment. Accordingly, the panel concluded that the Respondent's assessment was fair and reasonable and that no alteration should be made to the 2023 rating list.

Conclusion

27. In view of the foregoing, the appeal was dismissed.

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/.

Mrs M Chaggar, Senior Member (Chair)
Mr C Park, Member
8 May 2026

Mr S Fletcher
Clerk to the Tribunal
Date issued to the parties: 8 May 2026