IN THE VALUATION TRIBUNAL FOR ENGLAND
IN THE MATTER OF A 2017 RATING LIST APPEAL

Case No: CHG100711450

Sitting remotely using Microsoft Teams

Date: 11 July 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING, Local Government Finance Act 1988, Office and premises; Compiled List Entry; Price per square metre; Rental evidence/assessment of comparable properties; Lotus and Delta v Culverwell (VO) & Leicester City Council [1976] RA 141; Appeal allowed.

Before:
MS C Y JONES
MRS V HOLLENDER

Between:

STEVE SASS — **Appellant**

- and -

ANDREW RICKETTS (VALUATION OFFICER) — **Respondent**

Regarding:
SUITE 1A & 1B 1ST FLR HEALS BUILDING, TORRINGTON PLACE, LONDON WC13 7HJ
(the “appeal property”)

Mr R Wackett of Montagu-Evans (Representing the Appellant)
Mr J Bean (Representing the Respondent)

Hearing date: 17 June 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is allowed.

2. The panel find that the entry in the 2017 rating list is unreasonable and should be reduced to £200,000 rateable value with effect from 7 July 2020.

Introduction

3. Mr Bean stated that he was appearing as an advocate for the respondent.

4. Mr Wackett was appearing on behalf of the appellant as advocate and expert witness. 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 not instructed under any conditional fee arrangement. Mr Wackett 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.

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

Background

6. The appellant made a proposal on 20 July 2021 to challenge the entry in the 2017 rating list of £262,500 with effect from 7 July 2020. The proposal sought a reduction to £200,000 to reflect a reduced unadjusted rate from £650/m^2 to £425/m^2. The appeal property was reduced at check from £272,500.

7. The Valuation Officer (VO) did not find the proposal to be well founded, and a Challenge decision was issued on 9 February 2023 maintaining the existing entry in the rating list. An appeal against that decision was received by the Tribunal on 16 May 2023.

8. The appeal property comprised of two office units located on the first floor of a multi-let building known as Heals. It was built in 1854 and was a converted warehouse style which was refurbished throughout in 2014 to a high Grade A standard specification retaining many period features. The total floor space amounts to 41,500 square metres over eight floors with car parking at the basement level. It was located within walking distance of Euston Station and Tottenham Court Road. The appeal property benefits from a ducted air change system and heating. The fit out was minimal, there is no suspended ceiling, hung fluorescent lighting, exposed timber floors, painted brick walls and some internal office partitioning.

9. The issue to be determined by the Tribunal was the correct price per square metre. It was currently in the list at £650/m^2 which Mr Wackett argued was over-assessed and sought a reduced rate of £425/m^2.

Relevant Law

10. The subject property must be valued by the statutory assumptions set out in in Schedule 6 to the Local Government Finance Act 1988 as follows:

"(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.”

11. The material date on which to consider the physical state of the hereditament and its locality was 1 April 2017, when the entry was made in the rating list. The valuation date for the 2017 rating list is 1 April 2015, the antecedent valuation date (AVD).

Discussion

12. Mr Wackett explained that there was 18 assessment within the building. All but the appeal property, which had been valued at £650/m^2, and one other, Units O3 & B3 3RD Flr, Heals Building, which had been valued at £467.50/m^2 (£425/m2 with a 10% uplift) had been valued at the same rate of £425/m^2 irrelevant of the size.

13. The appeal property was let on 22 September 2015 at £317,118.50 under a ten year term subject to nine months’ rent free. It was occupied under two leases which included a car space which was assessed separately at £2,500 RV. Mr Wackett stated that a number of adjustments were required to bring the rent in line with the statutory definition. He had analysed the rent to £490/m^2.

14. Therefore, he was applying greater weight to the rest of the building in its refurbished state, he argued there should be no difference between each of the assessments. Mr Wackett referred to *Shrewsbury Schools v Shrewsbury BC and Plumpton (VO), 1960 and William Hill (Hove) Ltd v Burton (VO),* 1958 which stated that the VO is not at liberty to impugn assessments in the list.

15. Furthermore, Mr Wackett pointed out that the VO had adopted a rate of £380/m^2 for all but two assessments in the 2023 rating list.

16. The VO stated that he had analysed the rent to £720.30/m^2. It had been adjusted to allow three months fit-out period and six months as incentives.

17. Mr Bean explained that the building had been valued incorrectly. The appeal property had been reassessed from £425/m^2 to £650/m^2 in line with rental evidence that had been reassessed in July 2020. A report had been raised for the rest of the building to be revalued to the same value as the appeal property when it came to light. There had been no other challenges on the other assessments within the building which was possibly due to the value being set too low.

18. However, the VO had failed to carry out the report and revalue the remaining properties in the building.

19. Having heard all the evidence presented from the parties, the panel determined that the adopted rate that should apply was £425/m^2. The panel applied little weight to the rent on the appeal property as this was too far removed from the AVD. Therefore, the panel had regard to comparable properties, in particular, other assessments within the same building as the appeal property. The panel noted that the majority of properties within the building had been valued at £425/m^2, including Units F1, F2 & F3, 1st, 2nd and 3rd Floors & 4th Flr Pt Heals Building which was larger than the appeal property.

20. Whilst the VO had argued that this rate was too low, he had the opportunity to correct the list and increase the values on the comparable properties, as he had the appeal property. The panel was aware that the VO cannot impugn the list and therefore it had to accept that the current rateable values on the comparable properties was correct.

Determination

21. In view of the above findings and conclusions, the Tribunal finds that the price per square metre should be reduced from £650/m^2 to £425/m^2equating to a revised rateable value of £200,000 with effect from 7 July 2020.

Reference	Description	Actual Area (m^2)	Price (£/m^2)	Total Value
1	Offices	475.04	£425	£201,892
	Totals			£200,000

22. Accordingly, we order in accordance with Regulation 38 (4) and (9) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Officer to amend the entry for the appeal property in the 2017 Rating List to £200,000 effective from 7 July 2020.

23. The Valuation Officer must comply with this Order within two weeks of its making.

Right of further appeal

24. 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) within **four weeks** of the date this decision and statement of reasons is issued.

25. 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/.

Ms C Y Jones, Senior Member (Presiding)

Mrs V Hollender, Member

11 July 2025

Miss K Hendry
Clerk to the Tribunal
Date issued to the parties: 11 July 2025