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

Case No: CHG100926833

Sitting remotely using Microsoft Teams

Date: 18 June 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — 2017 Rating Appeal —unadjusted rate in dispute —rental evidence — tonal evidence — appeal dismissed.

Before:
MR A HUSSAIN
MRS PA CROWTHER-NEWMAN

Between:

AE — **Appellant**

- and -

AMANDA HITCHINGS

(VALUATION OFFICER) — **Respondent**

Regarding:
SUITES A AND B,TECHNOLOGY HOUSE,YORK,YO10 3BP
(the "subject property")

The Appellant, the Appellant in person
Mr K Malik for the **Respondent**

Hearing date: 19 May 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed.

2. The panel found that the entry in the 2017 rating list was not unreasonable and confirmed the Rateable Value (RV) at £13,000 with effect from 1 February 2022.

Introduction

3. This is a 2017 rating list appeal. The subject property had been entered into the 2017 rating list as 'office and premises' at an RV of £13,500 with effect from 1 February 2022.

4. The challenge proposal was submitted by the appellant and was received by the Valuation Officer on 20 February 2023. It had been made on the grounds that the current rateable value was unreasonable.

5. The respondent issued a challenge case decision notice on 24 April 2023, which stated that based on the evidence available, the existing rating list entry of £13,500 RV was unreasonable and determined a revised entry of £13,000 RV with effect from 1 February 2022. The revised RV was based upon a 5% allowance for layout. The appellant appealed that decision to this Tribunal on 13 May 2023 on the grounds that the valuation for the subject hereditament remained unreasonable.

6. The subject property was a first-floor office located above a retail unit on the fringe of York City Centre. It was accessed from the street into a small lobby area connecting to a central staircase leading to the first-floor landing. It was valued on an unadjusted rate of £115/m^2 with a 5% allowance to reflect the layout. The appellant proposed the unadjusted rate be reduced to £85/m^2. The size of the subject property had also been disputed within the appellant's proposal, however following an inspection of the subject property and an explanation of measurements from the respondent the appellant now accepted the figure used for area by the respondent.

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

Relevant Law

8. The panel was governed by Schedule 6 to the Local Government Finance Act 1988 as amended by the Rating (Valuation) Act 1999, which 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.

9. In respect of an appeal against an entry in the 2017 rating list, the rental levels are to be taken as those passing at the antecedent valuation date (AVD) of 1 April 2015, in accordance with the Rating Lists (Valuation Date) (England) Order 2014 (SI 2014 No. 2841).

10. 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 February 2022.

Discussion

11. The panel had regard to *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141. The panel was aware that this was a leading judgment which had set out six propositions to be followed when considering the weighting of evidence. The starting point was the subject rent. Consideration of how the time, subject matter and conditions related to the statutory requirements was required in order to determine how much weight should be attached to the subject rent. The remaining propositions required consideration of the rents of similar properties and comparable assessments. In light of all the evidence an opinion could then be formed.

12. In this case there was rental details had been provided in respect of the subject property, with a new lease commencing with effect from 1 February 2022 for an amount of £12,000 per annum. However, the panel attached no weight to this evidence as it considered it was seven years following the AVD and therefore did not reflect the rental levels that would have been achieved at that time. The panel therefore found it must consider the rental details of other comparable properties.

13. For the respondent Mr Malik provided rental details of several comparable properties he considered supported the current unadjusted rate of £115/m^2 for the subject property. Of these the panel paid particular attention to 53B The Tannery and 55 The Tannery each had unadjusted rates of £115/m^2. 53B The Tannery measured 85.53m^2 and had a new lease commencing with effect from 4 August 2014 for £12,650 per annum. The panel noted that this lease was less than one year prior to the AVD, and that after adjustments the rent analysed to £117.78/m^2, and considered this to support the subject property's unadjusted rate of £115/m^2. However, it also noted that this lease was between connected parties, and as such attached little weight to this rental evidence. However, the panel still considered it useful in demonstrating the tone for properties simialr to the subject property within the locality.

14. 55 The Tannery measured 74.40m^2 and had a new six-year lease commencing from 1 September 2016 for £12,500 per annum on a full repairs and insurance basis with two months' rent free at the outset of the tenancy. This analysed to £143.64/m^2. The respondent submitted that whilst this rent was agreed post AVD it still supported an unadjusted rate of £115/m2 at the subject property.

15. The panel then addressed the appellant's evidence. He had referred to a number of properties which had lower unadjusted rates than the subject property and which he considered

supported the subject property being over assessed. Of these the panel noted that Tower House, Fishergate was significantly larger than the subject property measuring 1332.20m^2, and as such did not consider this to be comparable. It also considered that A1 Moto Services was a vehicle repair workshop and therefore did not consider this assessment to be useful due to it being of a different mode or category than the subject property.

16. The appellant had also referred to 132 Lawrence Street,1st Floor 65/71 York Road and 53 The Tannery, submitting that these all had lower unadjusted rates than the subject property. The panel noted that 65/71 York Road was not situated within the locality of the subject property and therefore considered this comparable to be of limited assistance.

17. 132 Lawrence Street was considerably larger than the subject property measuring 255.55m^2 and had an unadjusted rate of £110/m^2. Taking the difference in sizes into account, the panel considered that there may have been an element of quantum within its assessment, meaning it not unreasonable that the subject property would have a higher unadjusted rate. 53 The Tannery measured 140.57m^2 and the appellant submitted it had an unadjusted rate of £95/m^2, therefore supporting the subject property being over assessed. The panel could understand the reasons the appellant referred to this property, however noted that the records of the Valuation Officer had the unadjusted rate to be £120/m^2 as opposed to £95/m^2. Based upon this, the panel did not find this property to support the subject property being supported the current unadjusted rate of £115/m^2 at the subject property being too high.

18. The panel appreciated the effort the appellant had put into compiling his evidence; however, it was not persuaded that the unadjusted rate of £115/m^2 at the subject property was unreasonable. It considered the best evidence to be 55 The Tannery which it considered to be the most comparable of all the evidence presented by both parties and which also had an unadjusted rate of £115/m^2. Based upon this evidence, the panel did not consider the current RV to be excessive.

Determination

19. In view of the above findings and conclusions, the panel therefore confirmed the RV at the subject property to be £13,000 RV with effect from 1 February 2022 and dismissed the appeal.

Right of further appeal

20. 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.

21. 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 Amran Hussain, Senior Member (Presiding)

Mrs PA Crowther-Newman, Senior Member

18 June 2025

Miss N Shepherd
Clerk to the Tribunal
Date issued to the parties: 18 June 2025