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

Case No: CHG101110754

Sitting remotely using Microsoft Teams

Date: 1 December 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

Non-domestic rating appeal; 2017 rating list; Local Government Finance Act 1988; accuracy of the rateable value in the 2017 rating list; warehouse and premises; rental evidence; comparable assessments; appeal dismissed.

Before:
MS L DUBOW
MRS P AHARK

Between:

LINIAR LIMITED — **Appellant**

- and -

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

Regarding:
LINIAR HOUSE, RYEFIELDS CLOSE, DENBY HALL BUSINESS PARK, RIPLEY DE5 8JX
(the "subject property")

Mr Andrew Chapman from FHP Property Consultants for the Appellant
Mrs P Bailey for the Respondent

Hearing date: 4 November 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal was dismissed.

2. The Tribunal panel confirmed the rateable value (RV) of Liniar House, Ryefields Close, Denby Hall Business Park, Ripley DE5 8JX, (hereafter, known as the subject property) at £595,000 with effect from 1 July 2017.

Introduction

3. This was a 2017 rating list appeal. The RV of the subject property was entered into the rating list at £675,000 with effect from 1 July 2017, as a warehouse and premises. A check had been submitted on 29 March 2023 and completed on 14 April 2023.

4. A Challenge proposal had been submitted on 14 August 2023. The proposal sought a reduction in the subject property's assessment to £485,000 RV with effect from 1 July 2107. The valuation officer issued the Challenge Decision Notice on 30 January 2025 where the RV of the subject property was reduced to £595,000 with effect from 1 July 2017.

5. As the assessment had not been altered in the manner sought in the proposal, an appeal was made to the Valuation Tribunal on 6 June 2025 on the grounds that the valuation for the subject property was not reasonable.

6. Both Mr Chapman for the appellant and Mrs Bailey for the respondent, presented in a dual role capacity 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 Chapman confirmed that he was not instructed under a contingency 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 the evidence supported the client's case.

7. The panel accepted this expert witness evidence 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).

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

Background

9. The subject property was a warehouse and premises, built in 2017 with a total gross internal area (GIA) of 16,447.42 m² and was located on Denby Hall Business Park in Ripley, Derbyshire with access to the A38 to the north / south and A610 to the east / west.

10. The subject property had entered the 2017 Rating List at an RV of £675,000 with effect from 1 July 2017. The original rate per m² that had been applied to the subject property had been

11. The construction of the subject property was dual-bay, with a stell portal frame with principally profile metal cladding and part brick exterior of the office area at the northern section. The eaves height of the warehouse was 8.25m with four pairs of ground level

loading doors, which were situated down the full length of the building. The subject property also included a two storey accommodation, which comprised of administration offices, a showroom and an area of unfitted out space.

12. Originally, there had been three issues with regards to this appeal.

    (a) The rate per m² applied to the subject property;

    (b) The addition of value for land.

    (c) The ground-floor workshop areas located beneath the first-floor offices/showroom should be treated similarly to spaces beneath mezzanine floors due to their restricted height and valued at 70% of the main space rate.

13. Following discussions, Mrs Bailey accepted points (b) and (c) and also reduced the rate applied to the subject property from £40 per m² to £34 per m², as requested by the appellant. However, she applied an uplift of 10% for eaves height, which increased the rate per m² to £37.40 per m². Both parties agreed that an allowance of 2.5% should be applied due to the lack of heating within the warehouse.

14. Mr Chapman considered the rate per m² applied to the subject property to be excessive compared with other large warehouses, given its physical characteristics, and requested that the 10% uplift be removed.

15. Mrs. Bailey maintained that the 10% uplift for eaves height applied to the subject property was fair and reasonable when compared with the evidence provided.

Relevant Law

16. The panel is 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.

17. 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). This common date was used to ensure that every property was treated in a consistent way.

18. The subject property must be valued for the purpose of non-domestic rating on the basis of the rent at which it might reasonably be expected to let from year to year on a number of assumptions (see paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988).

19. In accordance with the Rating Lists (Valuation Date) (England) Order 2014 (SI 2014 No. 2841), the date of the hypothetical rent was 1 April 2015 (the AVD). This common date was used to ensure that every property was treated in a consistent way.

20. The actual date of valuation is 1 April 2015, this being the AVD. As also noted above matters that affect the physical state or enjoyment of the property (termed hereditament) or the locality were to be taken as at 1 April 2017, the material day for this appeal. When assessing the RV of any hereditament, rating law also requires that it must be assumed to be ‘vacant and to let’, and in the state set out in Schedule 6 of paragraph 2(7) of the Act, in relation to both its physical nature and mode or category of use.

21. Case law of the following was referred to within the evidence pack:

    (a) *Laing (J) & Son v Kingswood AC* [1949] 1 KB 344
    (b) *Lotus and Delta v Culverwell* (VO) [1976] RA 141
    (c) *Robinson Bros (Brewers) Ltd v Houghton and Chester-le-Street Assessment Committee* (1938) 28 R&IT 197 & (1937) 26 R&IT 228
    (d) *Telereal Trillium v K Hewitt* (VO) [2018] EWCA Civ 26
    (e) *K Shoe Shops Ltd v Hardy (VO) & Westminster City Council (Lands Tribunal)* (1980) RA 333 at 353 (Court Of Appeal) (1983) RA 26; 3 All ER 609

Discussion

22. The panel was advised that the subject property was held on a leasehold basis, commencing on 21 February 2017, as part of a connected party sale and leaseback arrangement. As a result, the information provided offered limited assistance to the panel.

23. The panel noted that both parties had agreed on an unadjusted rate of £34 per m². It was explained that the only difference between the Appellant’s proposed assessment and Mrs Bailey’s assessment concerned the ground floor warehouse value applied in the first line of the assessment. The panel observed that Mrs Bailey had applied an uplift due to the subject property’s eaves height of 8.25m. This resulted in an adjusted rate of £37.40 per m² being applied, based on comparable properties within the same valuation scheme as the subject property (412605).

24. Mrs Bailey informed the panel that the standard eaves height for a warehouse typically ranged from 3.35–4m up to 6m. For heights above 6m, an adjustment of 10% applied on a pro-rata basis between 6m and 9m, with an additional 1% per metre thereafter. She therefore considered that, as the subject property had an eaves height of 8.25m, it was superior, which warranted an uplift. Mr Chapman argued that the scheme reference did not specify what additions should be made for eaves height. At present, the VOA guidance only shows end allowances. He further contended that even if an adjustment was required, there was no instruction on the amount that should be applied.

25. To determine whether a 10% uplift was justified, the panel reviewed the comparable properties in the evidence pack, focusing on those located on the same business park as the subject property: Unit P242, Flamstead House, and Units 4A–4B. The panel noted that Unit P242 was originally constructed in 2009 with a GIA of 14,125.90 m², which was subsequently increased in 2010 to 22,547 m². This property had an eaves height of 12.56m and was classified within the valuation scheme as a Large Distribution Warehouse (LDW).

26. Flamstead House, an adjacent property, had a GIA of 15,719.78 m² and an eaves height of 8m, similar to the subject property. The panel noted that both Flamstead House and the subject property fell within the LGIN scheme, which covered large industrial properties; factories, workshops, and warehouses, with a total GIA between 10,000 m² and 20,000 m². The panel was informed that, in the 2010 rating list, an agreement had been reached between the Valuation Officer (VO) and the occupiers of Flamstead House, applying a 10% uplift due to its eave’s height.

27. Mr Chapman argued that Flamstead House was described as a factory and premises, making it an unsuitable comparable. He further contended that, because the agreement was reached under the 2010 rating list, it was less reliable than settlements made under the 2017 rating list. However, the panel noted that no evidence had been provided by Mr Chapman to support this assertion.

28. Mr Chapman informed the panel that he had emailed Mrs Bailey to request the eaves height of the comparable property of Units 4A–4B but had not received this information. Therefore, Mr Chapman requested that Mrs Bailey provide the details at the hearing. As this information was considered useful, the panel permitted Mrs Bailey to supply the eaves height, which was recorded as 7m. The panel noted that Units 4A-4B was a much smaller warehouse, with an GIA of 3,175.70 m². This property was within a different valuation scheme of 438925 (properties built 2006 onwards). The panel also noted that this comparable property had been valued by reference to a basic rate of £33 per m² with an uplift of 3% for eaves height. Due to the difference in size, rate applied and the valuation scheme applied to Units 4A-4B, the panel placed less weight onto the details of this comparable property.

29. The panel noted that, during the hearing, the parties discussed the rate applied and the value and size of the land. However, these matters had already been agreed prior to the hearing. Accordingly, while the panel acknowledged the discussion, it did not take these points into account when reaching its decision. The panel’s determination focused solely on the adjustment relating to the eave’s height of the subject property.

Determination

30. Having considered the above findings and both parties’ submissions, the panel found that it had not been provided with substantiated evidence to demonstrate that the adjusted rate of £37.40 per m², which reflected an uplift for the subject property’s eaves height, was unreasonable and excessive. Therefore, the appeal was dismissed.

Right of further appeal

31. 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.

32. 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 L Dubow, Senior Member (Presiding)
Mrs P Ahark, Member

1 December 2025

Ms R Muller
Clerk to the Tribunal
Date issued to the parties: 1 December 2025