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

Case Nos: CHG101168772
CHG101270739
CHG101128498

Sitting remotely using Microsoft Teams on 23/03/2026

Date: 8 April 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Warehouse and premises — Unadjusted base rate — Appeals allowed-in-part.

Before:

MISS EA HOWARD
MR M MIAH

Between:

POP AIR LTD
EXPEDITORS INTERNATIONAL (UK) LIMITED

Appellants

- and -

LUCY DYER
(VALUATION OFFICER)

Respondent

Regarding:

UNIT 2, HEATHROW LOGISTICS PARK, BEDFONT ROAD, FELTHAM, TW14 8EE
1 ASCOT ROAD, FELTHAM, TW14 8QH
(the “subject properties”)

Mr A Hair for the Appellants
Mr A Hargreaves for the Respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeals are allowed-in-part.

2. The Tribunal Panel confirmed the rateable value (RV) of the subject properties based on an unadjusted base rate of £110 per square meter (psm) as follows:

   Unit 2 Heathrow Logistics Park: £795,000 with effect from 15 March 2018
   Unit 2 Heathrow Logistics Park: £795,000 with effect from 1 January 2021
   1 Ascot Road: £1,500,000 with effect from 1 April 2017

STATEMENT OF REASONS

Introduction

3. This was a 2017 rating list appeal. The subject properties had been entered in the 2017 rating list as “Warehouse and premises” with the following RVs:

   Unit 2 Heathrow Logistics Park: £950,000 with effect from 15 March 2018
   Unit 2 Heathrow Logistics Park: £950,000 with effect from 1 January 2021
   1 Ascot Road: £1,860,000 with effect from 1 April 2017

   This was based on an unadjusted base rate of £130 per square metre (psm).

4. The challenge proposals were submitted by Ryan Property Tax Services UK Limited on behalf of Pop Air Ltd and Expeditors International (UK) Limited and were received by the Valuation Officer (VO) on 13 September 2023 and 3 January 2024. The proposals had been made on the grounds that the RVs shown in the 2017 rating list was wrong and proposed revised RVs:

   Unit 2 Heathrow Logistics Park: £720,000 with effect from 15 March 2018
   Unit 2 Heathrow Logistics Park: £720,000 with effect from 1 January 2021
   1 Ascot Road: £1,310,000 with effect from 1 April 2017

   This was based on an unadjusted base rate of £100 psm.

5. Following the exchange of evidence and discussions throughout the challenge period, Mr Hargreaves revised his valuations and reduced the unadjusted base rate for all assessments to £110 psm, and challenge case decision notices were issued to that effect.

6. Mr Hair appeared on behalf of the appellant 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 Hair declared that he was instructed under a conditional fee arrangement.

7. Mr Hair understood and accepted that his duty was to the Tribunal in giving his evidence and he would comply with this regardless of whether or not the evidence supported his client’s case.

8. The Tribunal Panel accepted this expert witness evidence on the above basis as the appeal was not complex and to do otherwise would be contrary to regulation 3 (Discharge of 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).

9. Mr Hargreaves appeared as both advocate and expert witness.

10. The Panel therefore considered the expert evidence and attached such weight to it as it saw fit.

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

Background

12. This appeal was originally heard and dismissed by a Tribunal Panel on 10 April 2025, and the decision was released to the parties on 7 May 2025. The Tribunal Panel's decision to dismiss the appeals was set aside following a review of the decision. The reason for the decision being set aside was for clerical errors within the decision document where revised valuations of the parties were not recorded in the decision notice which led to an incorrect dismissal of the appeals.

13. Prior to the previous hearing the parties provided revised valuations. These were provided again before this hearing and were as follows:

    Mr Hair revised valuations

    Unit 2 Heathrow Logistics Park: £725,000 with effect from 15 March 2018
    Unit 2 Heathrow Logistics Park: £725,000 with effect from 1 January 2021
    1 Ascot Road: £1,370,000 with effect from 1 April 2017

    This was based on an unadjusted base rate of £100 psm.

    Mr Hargreaves revised valuations

    Unit 2 Heathrow Logistics Park: £795,000 with effect from 15 March 2018
    Unit 2 Heathrow Logistics Park: £795,000 with effect from 1 January 2021
    1 Ascot Road: £1,500,000 with effect from 1 April 2017

    This was based on an unadjusted base rate of £110 psm.

14. Whilst the valuations above remained at £100 psm and £110 psm, adjustments had been made to the relativities within the valuations at Unit 2 Heathrow Park and adjustments had been made to the hard surfaced land. Both parties agreed these adjustments.

15. The appeal properties were warehouses located near Heathrow Airport and approximately two miles from the Heathrow Cargo Terminal. They were modern industrial buildings measuring 7,268.07m^2 and 12,442.37m^2 and had eaves height of approximately 10m.

Relevant Law

The Local Government Finance Act 1988

16. Schedule 6 of the Act 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).

18. 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 appeals, the material days are the effective dates listed above.

Discussion

19. The leading judgment of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141, set out six propositions to be followed when considering the weighting of evidence:

    1. Where the hereditament which is the subject of consideration is actually let that rent should be taken as the starting point.
    2. The more closely the circumstances under which the rent agreed both as to time, subject matter and conditions relate to the statutory requirements contained in the definition of gross value in s.19(6) of the General Rate Act 1967 the more weight should be attached to it.
    3. Where rents of similar properties are available, they too are to be properly looked at through the eye of the valuer in order to confirm or otherwise the level of value indicated by the actual rent of the subject property.
    4. Assessments of other comparable properties are relevant. When a valuation list is prepared these assessments are to be taken as indicating comparative values estimated by the Valuation Officer. In subsequent proceedings on that list therefore they can properly be referred to as giving an indication of that opinion.
    5. In light of all the evidence an opinion can then be formed of the differing types of evidence depending on the one hand the nature of the actual rent and on the other hand, on the degree of comparability found in other properties.

6. In those cases where there are no rents available of comparable properties a review of other assessments may be helpful but, in such circumstances, it would be clearly more difficult to reject the evidence of the actual rent.

20. The panel heard from Mr Hargreaves that prior to the original hearing of these appeals, the parties had agreed that the subject properties should all be valued at the same rate. The original hearing had included an additional appeal for Unit 1 Heathrow Logistics Park and the decision for that appeal was not set aside. This was the reason why the parties had agreed for the appeals to be heard together, including Unit 1. The decision on Unit 1 was at £110 psm.

21. Mr Hair was of the opinion that since the appeals were last heard, Mr Hargreave's opinion had changed on the valuations in the locality for the 2023 valuation list. Because of this he felt that the evidence needed to be looked at again. Specifically in relation to the comparable assessment at 145 Faggs Road. Mr Hair also contended that the Tribunal decision on Unit 1 Heathrow Logistics Park was not binding on the panel and that there could be two different tones on the same business park.

22. The panel acknowledged both parties' comments on the previous VT decision for Unit 1 Heathrow Logistics Park, and the relevance of this to the appeals before it. Previous VT decisions were not binding on the panel, however, could be persuasive. The panel considered all of the evidence before it in the written submissions, including the decision on Unit 1 which had been agreed by the parties in advance to be introduced for this hearing. In regard to the 2023 rating list. This evidence had not formed part of the appellant's original case, and the rehearing of the appeals was not a time for new argument to be introduced that had not been raised previously. Each rating list has a different AVD and the panel was aware that the rental evidence for the 2023 list was not available and would not have been relevant for the 2017 list where the AVD to consider rental levels was 1 April 2015.

23. Mr Hair contended that the subject properties were not located on a high value site. The site was completed in 2016, yet the final properties were not let until 2018, and rent-free periods were used as incentives. He stated that there were multiple other lettings in the area throughout this period which demonstrated that the subject properties were not the best units in the locality.

24. The panel were referred to the table of comparable evidence within the written submissions. Mr Hair highlighted that the two assessments at DNATA City, the two assessments at Skyline Business Park, and Panalpina House, were located in the best positions available, adjacent to the airport. These were in the 2017 rating list at £130 psm and Panalpina at £115 psm. The panel noted that DNATA City was agreed at £130 psm.

25. Mr Hair considered that the best comparable assessment to the subject properties was 145 Faggs Road. This was due to its similarities to the subject properties in terms of size, market, calibre and specification. 145 Faggs Road measured 10,374.78m^2 and had been reduced by agreement in the 2017 list to £100 psm. It was located near the Great South West Road in a cluster of other warehouse units. Mr Hair considered its location to be superior to the subject properties due to the access to the Heathrow Cargo Terminal.

26. In comparison to 145 Faggs Road and the cluster of warehouses in the area, the panel heard that the subject properties did not have a direct route to the Heathrow Cargo Terminal and had to compete with the traffic at the Staines Road roundabout for access.

27. Mr Hargreaves contended that it was his opinion that 145 Faggs Road had been incorrectly agreed at £100 psm in the 2017 rating list based on the evidence available. He stated that Unit 1 Heathrow South Cargo Centre had been agreed at £100 psm due to its rental evidence, its isolated location, and the access issues that the property had. Following that agreement, someone had agreed 145 Faggs Road at £100 psm, which he considered to be an error.

28. Mr Hargreaves highlighted the rental evidence on Heathrow Logistics Park and settlements in the area. He had analysed the rent of Unit 2 Heathrow Logistics Park to £140 psm. This had been analysed to the year six break clause. This rent was effective from 1 December 2018. Unit 2 Skyline Business Park was effective from 1 April 2019 and had been analysed to £154 psm. Unit 1 Heathrow Logistics Park was effective from 1 September 2020 and had been analysed to £144 psm.

29. The panel heard that Mr Hargreaves had then considered an annual growth of 4% from the AVD of 1 April 2015 and on this basis, it was his opinion, that £110 psm was reasonable for the subject properties. He compared this with the agreements at the superior locations at £130 psm, and the rental evidence at Skyline Business Park supporting a value of £115 psm which had since been agreed. In addition to the rental evidence Mr Hargreaves referred to the VT decision of £110 psm on Unit 1 Heathrow Logistics Park, the withdrawal of the appeal on Unit 3 Heathrow Logistics Park accepting £110 psm, and the agreement by consent order on Unit 2 Skyline Business Park at £115 psm.

30. The panel considered all of the evidence before it. The panel had heard the reasoning for the agreement on Unit 1 South Cargo Centre at £100 psm. There was no evidence to show that 145 Faggs Road had the same disadvantages, and both parties considered its location to be superior to the subject properties. When looking at the basket of evidence and the locations of all of the properties, it was the panel's opinion that 145 Faggs Road was an anomaly and placed less weight on this evidence.

31. The panel agreed with the parties that the two assessments for DNATA City were in premium locations adjacent to the cargo terminal with direct access. This was followed by the assessments at Skyline Business Park and Panalpina House. The panel noted that the valuations at £130 psm and £115 psm supported this view.

32. The panel then turned to the subject properties. It noted that the rents on Heathrow Logistics Park and Unit 2 Skyline Business Park were three to five years post AVD. However, when viewed in conjunction with the market report and the rent of Unit 1 Skyline Business House which was effective from 1 September 2016 and analysed to £127 psm, it found that £110 psm did not seem unreasonable for the subject properties at the AVD.

33. In addition, the panel found that the previous Tribunal decision on Unit 1 Heathrow Logistics Park, the acceptance of £110 psm on Unit 3 Heathrow Logistics Park, and the settlement of £115 psm on Unit 2 Skyline Business Park, all supported an unadjusted base rate of £110 psm for the subject properties. The panel acknowledged Mr Hair's argument that there could be a different tone on the same business park, however, it found that the evidence did not support that in these appeals.

Conclusion

34. In view of the above findings and conclusions, The Tribunal Panel is satisfied that the RV of the subject properties was unreasonable at £130 psm and determined RVs based on an unadjusted base rate of £110 psm as follows:

Unit 2 Heathrow Logistics Park

Floor	Description	Area (m^2)	£/m^2	Value (£)
Ground	Warehouse	6,219.11	105.11	653,691
Ground	Office	524.48	138.60	72,693
First	Office	524.48	138.60	72,693
			Total	**£799,077**

1 Ascot Road

Floor	Description	Area (m^2)	£/m^2	Value (£)
Ground	Warehouse	561.81	93.45	52,501
First	Office	358.94	130.23	46,745
First	Internal Storage	192.14	71.47	13,732
Ground	Office	1,794.36	142.07	254,925
Ground	Warehouse	7,521.68	107.74	810,386
Ground	Chill Store	293.64	107.47	31,557
First	Office	1,719.80	142.07	244,332
ADDITIONAL FEATURES OF THE PROPERTY				
	Hard surfaced, fenced land	5,000	10.00	50,000
			Total	**1,504,178**

35. Therefore, the appeals were allowed in part.

36. The Tribunal Panel orders pursuant to Regulation 38 of the Valuation Tribunal for England (Council Tax and Rating Appeals) (England) Regulations 2009 [SI 2009 No 2269] that the respondent shall alter the 2017 rating list in respect of Unit 2 Heathrow Logistics Park and 1 Ascot Road as follows within two weeks.

    Unit 2 Heathrow Logistics Park: £795,000 with effect from 15 March 2018
    Unit 2 Heathrow Logistics Park: £795,000 with effect from 1 January 2021
    1 Ascot Road: £1,500,000 with effect from 1 April 2017

37. The Appellant is also entitled to a full refund of the fees 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

37. 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.

38. 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/.

Miss EA Howard, Senior Member (Chair)
Mr M Miah, Senior Member
8 April 2026

Mrs S Hodgson
Clerk to the Tribunal
Date issued to the parties: 8 April 2026