



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

Case No: CHG101141901
CHG101183615

Sitting remotely using
Microsoft Teams

Date: 17 December 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

*RATING — Local Government Finance Act 1988 — The Central Rating List (England)
Regulations 2005 — Communications Hereditaments — Appeals dismissed.*

**Before:
MRS M CHAGGAR
MR I LONSDALE**

Between:

BRITISH TELECOMMUNICATIONS PLC

Appellant

- and -

**ANDREW MOULAND
(VALUATION OFFICER)**

Respondent

**Regarding:
BRITISH TELECOMMUNICATIONS PLC, TELEPHONE EXCHANGE, AYLESFORD, ME20 7AZ
(the “subject property”)**

**Mr L Hatchwell for the Appellant
Mr J Reese for the Respondent**

Hearing date: 18 November 2025

DECISION AND STATEMENT OF REASONS

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DECISION

1. The appeals are dismissed.
2. The Tribunal Panel confirmed the rateable value (RV) of the subject property at £25,250 with effect from 1 April 2017.

STATEMENT OF REASONS

Introduction

3. This was a 2017 rating list appeal. The subject property had been entered in the 2017 rating list as “offices and premises” at an RV of £25,250 with effect from 1 April 2017.
4. The challenge proposals were submitted by Colliers International on behalf of British Telecommunications Plc and were received by the Valuation Officer (VO) on 9 October 2023 and 31 January 2024. They had been made on the grounds that the RV shown in the 2017 rating list was wrong on the basis that parts of the hereditament should form part of the central list assessment. The challenges proposed revised RVs of £8,800 with effect from 1 April 2017 and £5,200 with effect from 12 May 2022.
5. Mr Hatchwell 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 Hatchwell declared that he was instructed under a conditional fee arrangement.
6. Mr Franklin 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.
7. 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).
8. The Panel therefore considered the expert evidence and attached such weight to it as it saw fit.
9. This statement of reasons is not and does not purport to be a full verbatim record of proceedings.

Background

10. The subject property was the first floor of a two-storey brick building. It was part of the Aylesford Telephone Exchange. The ground floor of the building formed part of the central list rating assessment for British Telecommunications Plc (BT). The first floor was used as office accommodation, however Mr Hatchwell contended that parts of the first floor fell within the definition to be included within the central list assessment.

Relevant Law

The Local Government Finance Act 1988

11. The relevant law requiring a central rating list to be compiled was contained in sections 52, 53, 64, and 65 of the Act.
12. This outlined the contents of the central list, what a hereditament was and who the owner/occupier of a hereditament was.

The Central Rating List (England) Regulations 2005

13. Regulation 8 sets out the criteria for communications hereditaments to be included in the central rating list.

8 Communications Hereditaments

(1) *Subject to paragraph (3), where –*

- (a) *British Telecommunications plc occupies or, if it is unoccupied, owns any hereditament which comprises posts, wires, fibres, cables, ducts, telephone kiosks, towers, masts, switching equipment, or other equipment, or easements or wayleaves, being property used for the monitoring, processing or transmission of communications or other signals for the provision of electronic communications services;*
- (b) *any person occupies, or if it is unoccupied, owns any hereditament which is an unbundled local loop,*

and which would, apart from these Regulations, be more than one hereditament, those hereditaments shall be treated as one hereditament.

14. Paragraph 2 relates to a hereditament not owned or occupied by British Telecommunications plc. Paragraph 3 was revoked by SI 2008/429.

Discussion

15. The panel heard that the only dispute between the parties was whether parts of the hereditament should form part of the central rating list. There had been a joint inspection of the property on 11 February 2025 and photographs from the inspection had been included within the evidence bundle. The joint inspection was with Mr Hatchwell and an employee of the Valuation Office Agency; Mr Reese had not inspected the premises.
16. Mr Hatchwell contended that, with effect from 1 April 2017, rooms 8, 11, and 12 should remain in the local list with two car parking spaces. From 12 May 2022, rooms 8 and 11 should remain in the local list with no car parking spaces due to the rooms being empty. On 12 May 2022 a router was installed in room 12 and it is for this reason that Mr Hatchwell contends it should be included in the central list from that date.

17. In support of his argument, Mr Hatchwell referred to photographs and descriptions of rooms 6, 7, 13 and 14. Mr Hatchwell's descriptions are as follows:

Room 6 was formally a kitchen which was used as storage, ancillary to room 7.

Room 7 was used as an office and storage and had desks and a router in it which formed equipment used for transmission.

Room 13 had equipment used in testing for the monitoring of communications.

Room 14 was used as ancillary storage for room 13.

18. Mr Hatchwell stated there was ambiguity in the Regulations where it states any hereditament which *comprises*... In his opinion, comprises could mean includes, or consists wholly of. He considered that the images showed cables in the rooms which were specifically mentioned in the Regulations, and that a router would be 'other equipment', which was also listed in the Regulations.
19. Through questioning Mr Hatchwell, in his role as expert witness, stated that many of BT's offices that had routers in them were valued in the local lists. He stated the point of difference between the rooms in this office was that the 'router' installed on 12 May 2022 was an access point which transmitted information to three specific points within the first floor. He stated that while many offices have routers and cables in them, the difference with the subject property is that it is occupied by BT and therefore meets the definition within the Regulations.
20. Mr Reese argued that there was no evidence to show how any of the cables or routers were part of the telecommunications network. He stated that all of the rooms that form part of the current assessment were offices, however some have been left empty or used by the occupier as a form of storage. Mr Reese referred to the photographs from the joint inspection of the ground floor of the building to demonstrate the difference, as the ground floor housed the switching equipment and formed part of the central list assessment.
21. It was Mr Reese's contention that the equipment referred to by Mr Hatchwell was little more than a router used in domestic premises or other office situations, and that the rooms were not used in conjunction with anything listed in the Regulations definition to warrant inclusion in the central rating list assessment.
22. The panel reviewed the wording of the Regulations, the photographs and evidence before it. The photographs of rooms 6, 7, 12 (after the installation of a router), 13, and 14 showed rooms used as storage or that were significantly empty. Where 'routers' were in place they appeared to be the only items in otherwise empty rooms. The kitchen was still a kitchen, whilst it had been filled with boxes the kitchen facilities were still present.
23. The subject property was in the current rating list and there was no competing ratable occupation, the whole was occupied by BT. The panel referred back to Mr Hatchwell's own reasoning of the Regulation wording where he stated there was ambiguity on the word 'comprises' and that this could mean 'includes' or 'wholly used'. It was the panel's opinion that 'comprises' suggested a need for a majority of the space to be used, as the definition of comprise is 'to be made up of'.

24. The panel found that the photographs and descriptions provided did not satisfy the definition set out in the Regulations. There was no evidence provided to state what the cables and equipment was used for. Whilst Mr Hatchwell repeated that they were used for 'the monitoring, processing or transmission of communications or other signals for the provision of electronic communications services', the panel noted that he was an expert in valuation and not telecommunications. The Regulations made no specific provision for offices and the panel found there was no persuasive evidence to demonstrate that the routers and cables were more than those used in any office. In addition, the panel heard that other BT offices were indeed valued in the local lists, and the panel was not persuaded this office should be valued any different.
25. The main evidence were the photographs provided and the panel found these were of mainly empty rooms and storage and that there was not enough evidence to demonstrate how these met the definition in the Regulations to move the subject property, or specific rooms, into the central rating list.
26. As the panel found that the subject property remained in the local list, there was no need to consider the issue of the car parking spaces.

Conclusion

27. In view of the above findings and conclusions, the Tribunal Panel is satisfied that the RV of £25,250 with effect from 1 April 2017 was reasonable. Therefore, the appeals were 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 I Lonsdale, Senior Member
17 December 2025

Mrs S Hodgson
Clerk to the Tribunal

Date issued to the parties: 17 December 2025