IN THE VALUATION TRIBUNAL FOR ENGLAND
IN THE MATTER OF A 2023 RATING LIST APPEAL

Case No: CHG101150850

Sitting remotely using Microsoft Teams

Date: 2 September 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Warehouse, 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 dismissed.

Before:
MR AMRAN HUSSAIN
MR C BUSST

Between:

DEAN & WOOD LIMITED **Appellant**

- and -

ANDREW MOULAND (VALUATION OFFICER) **Respondent**

Regarding:
UNIT B IMPERIAL PARK, RANDALLS WAY, LEATHERHEAD, KT22 7TN
(the "appeal property")

Mr A Hair of Ryan on behalf of the Appellant
Mr M Hussain on behalf of the Respondent

Hearing date: 8 August 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed.

2. The panel finds that the entry in the 2023 rating list was reasonable and should remain at £145,000 rateable value with effect from 1 April 2023.

Introduction

3. Mr Hussain stated that he was appearing as an advocate and expert witness for the respondent.

4. Mr Hair 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 under a contingency fee as expert witness and on a conditional fee as advocate.

5. 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 or not the evidence supported the client's case.

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

Background

7. The appellant made a proposal on 2 November 2023 to challenge the entry in the 2023 rating list of £145,000 with effect from 1 April 2023. The proposal sought a reduction to £139,000 to reflect a reduced unadjusted rate from £130/m^2 to £125/m^2.

8. The Valuation Officer (VO) did not find the proposal to be well founded, and a Challenge decision was issued on 20 March 2025 maintaining the existing entry in the rating list. An appeal against that decision was received by the Tribunal on 26 March 2025.

9. The property was a late 1990's industrial unit comprising a warehouse space and ancillary office space over two storeys. Its total size was 1,065.36m^2. It was located in a small estate near Leatherhead station and the M25 in Surrey. It also had 27 car parking spaces.

10. The issue to be determined by the Tribunal was the correct price per square metre. It was currently in the list at £130/m^2 which Mr Hair argued was over-assessed and sought a reduced rate of £125/m^2.

Relevant Law

11. 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."

12. The material date on which to consider the physical state of the hereditament and its locality was 1 April 2023, when the entry was made in the rating list. The valuation date for the 2023 rating list is 1 April 2021, the antecedent valuation date (AVD).

Discussion

13. Mr Hair stated that the appeal property was held on a renewed lease which was effective from 5 April 2020 for a term of five years with a headline rent of £146,032 per annum. There was also a rent-free period of four months included. Mr Hair had analysed the rent to a revised rate of £120.59/m^2, which the VO confirmed he agreed with this analysed rate.

14. Mr Hair argued that the rent on the appeal property was the strongest evidence it had been over assessed at £130/m^2, and sought a reduction to £125/m^2.

15. In response Mr Hussain argued that it was necessary to consider comparable properties to establish a basket of rent rather than value the appeal property on the rent itself especially as it was one year prior to the AVD.

16. Mr Hussain referred to Unit A Imperial Park which was the immediate neighbour to the appeal property and was of a similar size. This had an upward rent review effective from 1 October 2021 on FRI terms at £204,000 per annum. This analysed to £157.24/m^2. The VO argued that this value supports the fact that values were rising in the locality and the appeal property, close to the AVD would have achieved the current rate of £130/m^2 as a minimum.

17. The VO stated that there was also a further transaction on the appeal property effective from July 2023 which was a lease renewal. The rent on that analysed to £170.86/m^2. Whilst the VO was placing little weight on this evidence, he argued that it was significantly higher than the current base rate and it supported values increasing.

18. Having heard all the evidence presented from the parties, the panel determined that the current adopted rate was not unreasonable. Looking at the rent on the appeal property and the rent on the neighbouring property it was clear that values in the locality were increasing closer to the AVD. The appeal property rent of £120/m^2 was effective from 5 April 2020, one year prior to the AVD, and the neighbouring property had been analysed to £157.24/m^2 effective from 1 October 2021, six months post AVD. The panel therefore was of the opinion that £130/m^2 applied to the appeal property was reasonable.

Determination

19. In view of the above findings and conclusions, the Tribunal finds that the price per square metre should remain at £130/m^2. The appeal was dismissed.

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)

Mr C Busst, Senior Member

2 September 2025

Miss K Hendry
Clerk to the Tribunal
Date issued to the parties: 2 September 2025