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

Case No: CHG101155199

Sitting remotely using Microsoft Teams

Date: 18 July 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — offices and premises; price per m^2 in dispute; rental evidence; comparable assessments; appeal dismissed

Before:
MR M ASLAM
MR B PROUDFOOT

Between:

EARLY EXCELLENCE LTD — **Appellant**

- and -

AMANDA HITCHINGS (VALUATION OFFICER) — **Respondent**

Regarding:
THE OLD SCHOOL, NEW HEY ROAD, HUDDERSFIELD, HD3 3YJ
(the “subject property”)

Mr M Iles from Ryan, representing the Appellant
Mr J Wallace for the Respondent

Hearing date: 26 June 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed.

2. The panel finds that the entry in the 2017 rating list is not unreasonable, and confirms the rateable value (RV) of £38,250 with effect from 1 April 2017.

Introduction

3. This is a 2017 rating list appeal. The Old School, New Hey Road, Huddersfield, HD3 3YJ (the ‘subject property’) had been entered in the 2017 rating list as ‘offices and premises’ at an RV of £36,000 with effect from 1 April 2017.

4. A challenge proposal was submitted by Altus Group (now Ryan) on behalf of Early Excellence Ltd, and was received by the Valuation Officer on 14 November 2022. It had been made on the grounds that the RV was inaccurate. A revised RV of £14,750 was proposed, based upon the contractor’s method of valuation.

5. The Valuation Officer issued a challenge case decision notice on 5 December 2023, which disagreed with the proposed alteration of the list, but stated that the current rating list entry was unreasonable. The RV had been reduced at check stage due to incorrect information provided by the appellant, however, following changes noted at a joint inspection, the Valuation Officer increased the RV to £38,250 with effect from 1 April 2017.

6. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appeal to this Tribunal has been made on the grounds that the valuation for the hereditament is not reasonable. The appeal was received by the Tribunal on 2 February 2024.

7. Mr Iles 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), he declared that he was instructed on a contingency based fee, and that he understood and accepted that his duty was to the Tribunal in giving his evidence, and that 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.

8. The 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. The panel therefore considered the “expert” evidence and attached such weight to it as it saw fit.

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

Relevant Law

11. Rateable value is to be determined in accordance with paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988, which provides:

    (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. 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).

13. 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 April 2017.

Discussion

14. The subject property was built as a school prior to 1900, and had been occupied as a community centre for a number of years prior to the appellant's purchase. The property had been refurbished in 2000, and was previously occupied by the appellant as an educational training facility. The present valuation of the property is based on a total area of 601.2m^2 at an adopted price of £72.50 per m^2, and 24 car parking spaces at £125 per space.

15. Mr Iles confirmed that the challenge had sought a change in the method of valuation to reflect a private and independent school on a contractor's basis, however, he now accepted that the subject property should be assessed as offices and premises. The appeal sought a reduction from £72.50 per m^2 to £27.50 per m^2 to reflect the nature and character of the property and the rural location. In support, Mr Iles provided rental evidence in respect of comparable properties and comparable assessments.

16. On behalf of the Valuation Officer, Mr Wallace defended the present £72.50 per m^2 with reference to a schedule of comparable assessments.

17. The panel referred to the rental evidence presented by Mr Iles in support of £27.50 per m^2:

    Ground Floor & Basement, Holy Trinity Church Hall, St James Road, Huddersfield, HD1 4QA

A rent effective from 1 June 2014 analysed at £21.17 per m^2, for a property of 421.92m^2, or 343.65m^2 in terms of main space (ITMS).

First Floor, Holy Trinity Church Hall, St James Road, Huddersfield, HD1 4QA

A stepped rent effective from 24 October 2013 analysed at £40.70 per m^2 for a property of 304.6m^2 (296.28m^2 ITMS).

18. While the Valuation Officer had claimed that both properties were not offices, Mr Iles argued that they were in the same valuation scheme as the subject property. Ground & Basement Holy Trinity Church Hall is a boxing gym, but had been subject to a lease with Class B1 for office use with permission for use as a martial arts centre. Mr Iles submitted that the church conversion was similar in age, size and character to the subject property, but was situated in a more desirable location, which justified the basic price of £35 per m^2 adopted.

19. In further support of his adopted price of £27.50 per m^2, Mr Iles referred to the following comparable assessments:

Sowood Community Centre, Stainland Road, Stainland, Halifax, HX4 9HY

Located a mile away from the subject property, and of identical history, character and construction, this property of 339.48m^2 had been assessed at £27.50 per m^2.

Stuart Stage School at Former Moravian Church, Artillary Street, Heckmondwike, WF16 0NT

Located further away, this was a property of 218.28m^2, similar in style, construction and age to the subject property, valued as an office at £40 per m^2.

20. Mr Iles submitted that the subject property has none of the characteristics that a typical office occupier would be looking for – good location, easy access links, professional look, commercial amenities nearby, open plan layout, modern build with modern technology such as raised floors. He argued that in this location there would be little market for the subject as an office. The relevance of the Valuation Officer's comparable assessments was disputed as they were located in established commercial areas where there is demand for office space.

21. The panel turned to the schedule of comparable office assessments cited by the Valuation Officer in support of £72.50 per m^2:

106 St Thomas's Road, HD1 3LL

Built 1940-1954, offices of 755.76m^2 (534.51m^2 ITMS) assessed at a basic price of £84.22 per m^2, agreed following a challenge.

Oakley House, 1 Hungerford Road, HD3 3AL

Built pre 1900, offices of 583.40m^2 (563.30m^2 ITMS) assessed at a basic price of £85.00 per m^2. The scheme had been amended to £80 per m^2, but the valuation had not been amended.

1st Floor, 4th Floor, and 5th Floor, Folly Hall Mills, St Thomas's Road, HD1 3LT

Built pre 1900, offices of 600.1m^2, 591.79m^2 and 567.88m^2, assessed at a basic price of £80 per m^2. The scheme had been amended to £80 per m^2, and the valuations amended at check.

West House, Meltham Road, Honley, Holmfirth, HD9 6LB

Built pre 1900, offices of 647.68m^2 (604.65m^2 ITMS) assessed at a basic price of £80.00 per m^2. The assessment had been agreed.

22. Mr Wallace explained that due to the nature of the subject property, it had been valued on a non-standard property (offices) scheme at £72.50 per m^2, rather than as "general refurbished offices" of similar size and age, which are valued at £80 per m^2. As such, the subject property attracted an allowance of 10%, which he considered was not unreasonable. The properties cited as rental and assessment evidence by Mr Iles were not considered to be comparable, due to being different classes/uses of properties, not of the same quality, or on a different scheme.

23. In consideration of the fact that the 2017 rating list had now closed, Mr Wallace submitted that the most relevant evidence was derived from settlements. He found no justification for the subject property to be valued lower than Mr Iles' comparable properties; the subject property had been in use as offices since 2000, and therefore there was clearly a demand in this location.

24. In consideration of the parties' evidence and submissions, the panel found that the most persuasive evidence was derived from the office assessments provided by the Valuation Officer. While the appellant's rental and assessment evidence appeared to be similar in age and character, and in some cases placed within the same valuation scheme, it was apparent that they were not in the same mode and category of use as the subject property. The panel noted the following classifications confirmed by the Valuation Officer in the challenge decision:

    - Ground Floor & Basement, Holy Trinity Church Hall – boxing gym and premises.
    - First Floor, Holy Trinity Church Hall – play centre and premises
    - Sowood Community Centre – community centre and premises

25. Stuart Stage School was assessed as office and premises, however, Mr Wallace confirmed that this was located around ten miles away from the subject property, and therefore the value was derived from a different market.

26. Mr Iles' main contention had been the inferior rural location of the subject property, however, the panel noted its proximity to junction 23 of the M62, which may be of benefit to a hypothetical tenant. In assessing the subject property at a price 10% below the general value of £80 per m^2 applied to refurbished offices, the panel found that £72.50 per m^2 was not unreasonable.

Determination

27. In view of the above findings and conclusions, the panel was satisfied that the rateable value of the subject property was not unreasonable, and therefore the appeal was 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) within **four weeks** of the date this decision and statement of reasons is 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/.

Mr M Aslam, Senior Member (Presiding)

Mr B Proudfoot, Senior Member

18 July 2025

Mrs L Horne
Clerk to the Tribunal
Date issued to the parties: 18 July 2025