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

Case No: CHG101209161

Sitting remotely using Microsoft Teams

Date: 31 December 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

2023 Rating List Appeal: challenge against compiled list entry; workshop and premises; accuracy of rateable value; Lotus & Delta v Culverwell (VO) and Leicester City Council [1976] RA 141*; appeal dismissed*

Before:
MR SP WOOD
MR A SHETH

Between:

MAH SERVICES GROUP LTD — **Appellant**

- and -

ANDREW MOULAND (VALUATION OFFICER) — **Respondent**

Regarding:
UNIT 30, SILICON CENTRE, WADSWORTH ROAD, GREENFORD UB6 7JZ
(the “subject property”)

Mr B O’Neill from Ryan Property Tax Services UK Limited (advocate and expert witness on behalf of the appellant)
Mr Y Napal (as advocate and expert witness on behalf of the respondent)

Hearing date: 3 December 2025

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal confirms the rateable value (RV) of £51,500 with effect from 1 April 2023

STATEMENT OF REASONS

Introduction

3. This appeal had been brought in respect of Unit 30, Silicon Centre. Wadsworth Road, Greenford UB6 7JZ (the subject property), which was entered in the 2023 Rating List as ‘workshop and premises’ at an RV of £51,500 effective from 1 April 2023.

4. The appellant’s Challenge was submitted on 19 April 2024 and sought a reduction in the RV to £36,000 with effect from 1 April 2023. The appeal to this Tribunal was made on 25 June 2025, following the Valuation Officer’s (VO) Decision Notice of 18 June 2025 in respect of the subject property.

5. 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 was not reasonable.

6. The subject property was a leasehold industrial unit located on the Silicon Centre. It comprised of a mixture of workshop, office, kitchen and storage space over a number of floors. It had a total internal area of 538.33m^2.

7. Mr O’Neill appeared on behalf of the appellant as both advocate and expert witness. Therefore, it was important to ascertain if there was a success related fee involved and if so whether its existence was compatible with his obligations to the tribunal as an expert. This question was raised in view of the Upper Tribunal’s judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC). Mr O’Neill confirmed that he was instructed under a contingency fee and he declared 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 his 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.

Issue

11. The issue for the panel to make a finding on was the unadjusted rate for the subject property which is presently £93.39/m^2 with an RV of £51,500 reasonable. The appellant submits that the unadjusted rate was too high and that an unadjusted rate of £65.00/m^2 was reasonable giving an RV of £36,000 with effect from 1 April 2023.

Relevant Law

12. In arriving at a decision, the panel is governed by rating legislation laid down by Parliament where Schedule 6 to the Local Government Finance Act 1988 as amended by the Rating (Valuation) Act 1999, 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.

13. In respect of an appeal against an entry in the 2023 rating list, the rental levels are to be taken as those passing at the antecedent valuation date (AVD) of 1 April 2021, in accordance with the Rating Lists (Valuation Date) (England) Order 2014 (SI 2014 No. 2841).

14. 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 date is 1 April 2023 being the commencement date the 2023 rating list.

Discussion

15. The appeal hereditament 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). The date of the hypothetical rent was 1 April 2021.

16. The panel turned to the six propositions set down in *Lotus & Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 which was binding on this panel. The first two propositions are:

(1) Where the hereditament which is the subject of consideration is actually let, that rent should be taken as the starting basis.

(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 section 19(6) of the General Rate Act 1967 the more weight should be attached to it. (These statutory requirements now contained in Schedule 6, Para 2 (1) Local Government Finance Act 1988 (as amended by the Rating (Valuation) Act 1999)).

17. The panel found that the subject property was held under a lease with a start date of 15 February 2023 and a rent effective date of 1 November 2023. The annual rent was £56,000 per annum and was for a term of five years. There was a tenants break clause option in year 2 and the tenant benefitted from an 8.5 months rent free period. Mr O'Neill analysed the rent to £65.68/m^2 based on an ITMS of 538.33m^2 and a PV of 8.5%. The panel noted that this was a lease which commenced after the AVD for the 2023 list and was for a rent which was in excess of the appellant's proposed RV. The lease itself had not been provided into evidence and so the panel was not aware of the full terms of it and was therefore unable to analyse it. The panel found that the lease was agreed in a very different market to that at the AVD. The full terms of the lease were not clear and so the panel could put limited weight on this evidence. The panel was aware that the rent on a subject property is always the starting point for determining the correct unadjusted rate but it was then necessary to look at other rental evidence in line with the leading case of *Lotus v Delta*.

18. The panel therefore looked to the comparable properties provided by both parties. The third and fourth propositions set out in *Lotus and Delta* were considered by the panel in regard to the comparable properties put into evidence by both parties:

(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 be properly be referred to as giving an indication of that opinion.

19. The panel then turned to the rental evidence provided by the VO which were both in the same scheme as the subject property:

(1) Unit 2, Sheraton Business Centre which had an ITMS of 341.55m^2 with a rent of £84,000 per annum set on a rent review dated 1 December 2020. It had a rate of £95/m^2.
(2) Unit 3 at 11 Aintree Road with an ITMS of 345.34m^2 and had a rent of £35,000 on a rent review dated 1 April 2020. It had a rate of £95/m^2.

20. The panel noted that both of these were rent reviews which carried less weight than a new open market rent. The rent review on Unit 2 was an upward only rent review although on this occasion it was a nil rent review and was not therefore an open market rent. The panel found that Unit 3 was half a mile away on a different industrial estate and services were included in the rent paid. The Panel found that they demonstrated a tone had been established. The panel also noted that the rents were set eight months and one year prior to the AVD

respectively due there being a depressed market as a result of Covid at that time. The panel did however take into consideration that none of the properties in the same scheme as the subject property had a lower unadjusted rate than £93.39/m^2 and put weight on this evidence.

21. The panel now turned to the fifth and sixth propositions from *Lotus and Delta*, namely:
(5) In light of all the evidence an opinion can then be formed of the value of the appeal hereditament, the weight to be attached to 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 each circumstance, it would be difficult to reject the evidence of the actual rent.

22. The panel considered the settlement evidence put in by the VO which included five units on the same industrial estate as the subject property. They had a total significant area of between 371.87m^2 and 508.64m^2 which was smaller than the subject property at 538.33m^2. They all had an unadjusted rate of £95/m^2. They included a warehouse, two factories, a workshop and an office and premises and so only one had the same mode and category of occupation which limited their similarity to the subject property. The panel put weight on this evidence which again demonstrated tone for an unadjusted rate of £95/m^2 for the subject property.

23. The panel found the totality of evidence submitted in connection with comparable properties on the same industrial estate and with similar ITMS as the subject property were more persuasive. Therefore, in line with the fifth and sixth propositions in *Lotus and Delta* the panel found the basket of evidence supported the unadjusted rate of £93.39/m^2. The panel found that there were issues in terms of how similar the comparable properties were to the subject property.

24. The panel found that it could not rely only on the rental details on the subject property alone. The case of *Lotus and Delta* was clear that the rental evidence on the subject property was only a starting point. It was necessary to look at a basket of evidence but the appellant failed to provide any. The panel found that the appellant sought an unadjusted rate which was not in line with any of the other properties in the same scheme. The unadjusted rate proposed for the subject property of £65/m^2 was therefore not supported by any of the other properties in the same scheme.

25. In appeals of this nature the burden of proof was on the appellant to provide evidence to demonstrate that the RV of the subject property was unreasonable. The panel found that the appellant had failed to discharge this burden. The evidence put in by the appellant's agent was reliant solely on the rental evidence on the subject property and provided no basket of evidence to compare that to. The panel was therefore satisfied that the current assessment for the subject property was reasonable.

Conclusion

26. In view of the above findings and conclusions, the Tribunal is satisfied that the current RV of £51,500 with effect from 1 April 2023 and dismissed the appeal.

Right of further appeal

27. 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.

28. 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 SP Wood, Senior Member (Chair)
Mr A Sheth, Senior Member
31 December 2025

Miss F Willson
Clerk to the Tribunal
Date issued to the parties: 31 December 2025