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

Case No: CHG101214480

Sitting remotely using Microsoft Teams

Date: 21 August 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988; warehouse and premises; appeal against the accuracy of the rateable value of the hereditament; appeal dismissed;

Before:
MR M ASLAM
MS J MORTON

Between:

DD GROUP HOLDINGS LTD — **Appellant**

- and -

MS K GILES (VALUATION OFFICER) — **Respondent**

Regarding:
UNITS 3-10, PERRY WAY, WITHAM, ESSEX, CM8 3SX
(the "subject property")

Mr C Cates (instructed by Ryan Property Tax Services UK Ltd), advocate for the **Appellant**
Mr M Clayton (instructed by Ryan Property Tax Services UK Ltd), expert witness for the **Appellant**
Ms N Awoyokun for the **Respondent**

Hearing date: 15 August 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is dismissed.

2. The Tribunal panel made no change to the rating list entry in respect of the subject property..

Introduction

3. In accordance with regulation 13A of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, the appeal has been made to this Tribunal on the grounds that the rateable value (RV) for the appeal property is not reasonable

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

Background

5. The subject property comprised of industrial units which had historically been merged to form a single hereditament. The property had been constructed in 1980. The walls are a combination of protective profile metal (PPM) and brick, with the roof being made only of PPM. The property had an eaves height of 6 metres and the area in terms of main space (ITMS) was 9781.81m^2.

6. The RV for the hereditament with effect from 1 April 2023 was £505,000 which was based on an unadjusted rate of £52.50/m^2.

7. In the proposal, the Appellant's representatives initially sought a reduction to £485,000 RV which was based on an unadjusted rate of £50/m^2.

8. As a result of the appeal, the parties had undertaken a joint inspection which resulted in a change in the survey areas/relativities. The Valuation Officer sought an increase in the RV to £530,000 RV with effect from 1 April 2023. Under the provisions of regulation 38(5) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Tribunal for England could only order increases in rateable value from the date of the decision.

9. Following the agreed change in relativities, the Appellant's representatives now sought to retain the current rateable value of £505,000 which was based on the same unadjusted rate of £50/m^2.

10. The evidence submission before the panel comprised all the evidence disclosed and exchanged during challenge which included comparable rental evidence and its analysis, comparable assessment evidence and photographs.

11. Mr Clayton appeared on behalf of the Appellant as expert witness. He stated that his company was being paid on a contingency fee basis but was aware that in giving expert evidence his responsibility was to the Tribunal.

12. The panel accepted this expert witness evidence on the above basis as 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 in England). The panel therefore considered the “expert” evidence and attached such weight to it as it saw fit.

13. Mr Cates for the appellant, appeared as advocate.

14. Ms Awoyokun for the Valuation Officer, also appeared in the dual role of advocate and expert witness.

15. The Appellant had lodged an appeal concerning the subject property in respect of the 2017 rating list. Appeal number CHG101187629, was heard prior to this appeal. In respect of the earlier case, the panel found in favour of the Appellant, and the RV for the subject hereditament was reduced from £415,000 RV to £362,500 RV with effect from 1 April 2017.

Relevant Law

16. The term “rateable value” was defined in Schedule 6 to the Local Government Finance Act 1988 (as amended). The value was required to reflect an annual rent on the property, assuming a new letting with the tenant responsible for all rates, taxes, repairs and insurance. In respect of the 2023 rating list, the Rating Lists (Valuation Date) (England) Order 2020 (SI 2020 No.832) requires the rental levels to be taken on 1 April 2021. In respect of the subject appeal, the material day is 1 April 2023.

Discussion

17. In the case under consideration, the panel analysed the competing evidence having regard to the authoritative guidance in *Lotus & Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141.

18. The starting point for consideration was the actual rent passing on the appeal hereditament. In this case, the lease was a connected party arrangement as the companies shared company directors. The parties were in agreement that little weight should be given to this rent as it was not an arm’s length transaction.

19. Ms Awoyokun referred to rental evidence from two properties in Witham, highlighting 20 Freebournes Road as the most reliable due to the transaction occurring close to the antecedent valuation date (AVD). The lease was renewed for a three-year term starting on 1 March 2021, with an annual rent of £276,351. She stated that aside from the differences in size, the property was otherwise comparable in terms of eaves height and age. She analysed the rent to £65.97/m^2, with an unadjusted rate of £65/m^2. After making adjustments to reflect quantum differences with the subject property, she argued that a rate of £52.50/m^2 was reasonable for the subject property.

20. Mr Clayton argued that this property was significantly smaller than the subject property with an ITMS area of 4189.10m^2 and was valued on a different matrix.

21. The second property relied on by the Valuation Officer was Francis House, 4 Freebournes Road. This was also a lease renewal, effective from 21 March 2022. The rent had been analysed to £58.31/m^2 with an unadopted rate of £58/m^2. Ms Awoyokun argued that considering the age differential and eaves height, an unadjusted rate of £52.50/m^2 was not unreasonable for the subject property.

22. The panel noted that Francis House had already been thoroughly considered during the earlier appeal and found not to be comparable to the subject property due to significant differences in key characteristics.

23. Mr Clayton argued that the subject property was most comparable to 18 Eastways, which had been assessed in the 2023 rating list with an unadjusted rate of £50/m^2. This property had been considered extensively within the earlier appeal and the panel had concluded that the subject property was directly comparable to 18 Eastways. Having considered all the evidence, the panel was most persuaded by the evidence of the Appellant's representatives as the properties relied on by the Valuation Officer were not reliable due to their differences to the subject property.

Determination

24. In view of the above findings and conclusions, the panel considered that £50/m^2 was more appropriate for the subject property. However, due to the agreed changes in survey area/relativities the rateable value sought by the Appellant was the same as the rateable value in the 2023 rating list. On that basis, the panel made no change to the rating list entry and the appeal was dismissed.

Right of further appeal

25. 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.

26. 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)

Ms J Morton, Member

21 August 2025

Mrs K Edhouse-Thomas
Clerk to the Tribunal
Date issued to the parties: 21 August 2025