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

Case No: CHG101218301

Sitting remotely using Microsoft Teams

Date: 12 February 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Lotus and Delta v Culverwell (VO) and Leicester City Council [1976] RA 141 — workshop and premises — main space price — appeal allowed in part

Before:
MR M ASLAM
MR PJ WARD
MR P BARBER

Between:

BLAKLEY ELECTRICS LTD — **Appellant**

- and -

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

Regarding:
UNIT 1-3, OPTIMA PARK, THAMES ROAD, DARTFORD DA1 4QX
(the "subject property")

Mr Jordan Fitzsimmons for **Ryan Property Tax Services** for the Appellant
Mr Mehbub Ali for the **Respondent**

Hearing date: 15 January 2026

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed-in-part.

2. The Tribunal finds that the unadjusted main space price should be reduced to £99/m^2. It also finds that a 7.5% allowance for a split site should be granted. The resultant rateable value (RV) was £252,500.

STATEMENT OF REASONS

Introduction

3. The appellant had made a challenge against the accuracy of the compiled list assessment in the 2023 Rating List, by way of a proposal that he served on the Valuation Officer (VO) on 13 May 2024. After considering the proposal and evidence submitted during the challenge period, the VO decided that the proposal was not well founded. A decision notice to this effect was served on the appellant on 27 June 2025. His representatives then appealed the VO's decision to the Tribunal on 1 August 2025, on the grounds that the current valuation for the hereditament was not reasonable, under regulation 13A of the Non-Domestic Rating (Alterations of Lists and Appeals) (England) Regulations 2009.

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

Background

5. The appeal property was a warehouse and premises with an agreed total area of 2,635.46m². It was owned by the appellant.

6. As Mr Fitzsimmons appeared on behalf of the appellant as both advocate and expert witness, the clerk asked 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).

7. He declared that he was instructed under a conditional fee arrangement in his role as both advocate and expert witness. Mr Fitzsimmons confirmed 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.

8. The panel accepted this expert witness evidence on the above basis as the appeal is not complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions – general) of the Procedure regulations[1] and is 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. Mr Ali confirmed that he was representing the VO as advocate and expert witness.

[1] The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 s.i. 2009/2269

10. The issue in dispute before the panel was the correct main space price to be applied to the appeal property and an allowance of 7.5% due to the split site. Mr Fitzsimmons sought a reduced entry of £249,000 RV from 1 April 2023 based on an unadjusted value of £97.50/m².

11. However, Mr Ali defended the VO's assessment based on a tone of value of £105/m². He also sought a removal of the 5% end allowance.

12. The evidence bundle before the panel comprised all of the evidence disclosed and exchanged during challenge which included the parties' comparable assessments, skeleton arguments, location maps, plans of the subject property and internal and external photographs of the subject property and external photographs of his comparable properties.

13. During the hearing, the panel briefly adjourned the appeal as Mr Ali had issues with his internet connection.

Preliminary issue

14. Mr Ali had raised a preliminary issue in that he believed the 5% allowance for a split site should not have been granted by the VO. He therefore wanted to change his argument from defending the 5% allowance that had been agreed by the VO, to seeking to have the allowance removed.

15. Whilst this Tribunal has the power to increase a rateable value, the panel was disappointed that the VO was seeking to change its argument without any forewarning of this to the appellant. The panel therefore concluded that it would be better for the panel to determine the level of allowance, and the VO could then seek to remove the allowance by issuing a VO notice of alteration. The appellant would then had the right to challenge that decision.

Relevant Law

16. The term 'rateable value' is defined in Schedule 6 to the Local Government Finance Act 1988 (as amended):

> *"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; and*
>
> *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".*

Discussion

17. In the case under consideration, the panel had analysed the competing evidence having regard to the authoritative guidance in Lotus & Delta v Culverwell (VO) and Leicester City Council [1976] RA141. The rent on the subject property is considered to be the correct starting point but, where available, rents on similar properties are also to be taken into account. The assessments on other comparable properties may also be relevant. All of the evidence can then be weighted.

18. As the subject property was owned by the appellant, the VO had referred to the rents for three properties, Units 25 and 26 Optima Park and Unit B Acorn Industrial Park. They were new lettings in 2020 and 2022 which were close to the Antecedent Valuation Date (AVD). The VO had analysed the rents to between £106/m² to £125.00/m² which supported the VO's tone of value for the subject property at £105.00/m². However, Mr Fitzsimmons had analysed the rents for Units 25 and 26 Optima Park to £97.50/m² and £100.51/m² respectively.

19. Mr Ali had contended that he had analysed the rents for Units 25 and 26 Optima Park by reflecting a six month rent free period and he had adjusted the rent to reflect the mezzanine floors in these units, being tenant's improvements. However, during questioning, Mr Fitzsimmons confirmed that his rental analysis had taken the mezzanine floors into account.

20. Mr Ali had also contended that the rents would need to be adjusted to reflect growth in the market between the start of the leases and the AVD. Whilst the panel concluded there would be some growth in the rents, neither party had produced any evidence to demonstrate how much this would be.

21. Turning to the allowance for the split site, Mr Fitzsimmons had argued that the VO had initially offered a 7.5% allowance for the split site, but then reduced the amount to 5%. However, the panel understood that the offer of a 7.5% allowance would have been a without prejudice offer from the VO.

22. To support his argument for a 7.5% allowance, Mr Fitzsimmons provided photographs of units where an allowance had been granted, such as Units 1 and 2 Centurian Way; Units 3 to 5 Swaisland Drive and Units 3 to 4 Belvedere Industrial Estate. Although one of Mr Fitsimmons comparable properties, where a 10% allowance had been granted was a car showroom, he provided another example, Unit 25, Elbourne Trading Estate where a 10% allowance had also been granted.

23. It was clear that Mr Ali did not agree with an allowance being awarded and contended that this was because no allowances had been granted to other properties in the locality. However, no evidence had been presented by Mr Ali to demonstrate that any other units had the same disadvantages.

24. The panel noted that to access the other parts of the subject property from Unit 3, one had to either exit that unit, or via a link up some stairs. Mr Fitsimmons had also produced plans and photographs to show that there was limited access between units 1 and 2. The panel therefore decided, based on the evidence of other properties presented by Mr Fitzsimmons, where an allowance had been granted, that a 7.5% allowance should be granted.

Conclusion

25. Given the above, the panel was disappointed by the lack of conclusive evidence presented by both parties in respect of the main space price.

26. However, the panel preferred Mr Fitzsimmmons' analysis of the rents as he did confirm that he had reflected the mezzanine floors and some growth in the rental market in his analysis of the rents for comparable properties. Mr Ali did not produce any evidence to prove otherwise. Given that Mr Fitzsimmons had analysed the two units (25 and 26 Optima Park) at £97.50/m² and £100.51/m² respectively and there was no evidence presented that would differentiate the two units that would explain the difference in the two rents.

27. As Mr Fitzsimmons had not provided any evidence to suggest that the subject property should be valued at a main space price of £97.50/m² which was the lower of the two rents he had analysed, the panel concluded that the subject property should assessed using a main space value of £99/m² being in the middle of the two analysed rents for his comparable properties.

28. The Valuation is as follows:

Floor	Description	Area	Rate/£	Value
Ground	Warehouse	1306.08	99.00	129,302
Ground	Area under supported floor	19.94	69.30	1,382
Ground	Area under supported floor	83.39	69.30	5,779
Ground	Office	13.93	108.90	1,517
Ground	Office	12.78	119.79	1,531
Ground	Office	22.29	119.79	2,670
Ground	Office	33.75	131.67	4,444
Ground	Office	35.95	131.67	4,734
Ground	Office	18.45	118.80	2,192
First	Office	105.65	131.67	13,911
Mezzanine	Office	97.03	108.90	10,567
Mezzanine	Internal storage	83.39	49.50	4,128
First	Office	73.86	118.80	8,775
Ground	Warehouse	635.98	99.00	62,962
Ground	Reception/Entrance	19.31	118.80	2,294
First	Office	73.69	118.80	8,754
			total	264,942
	Less allowance for divided/split site		7.5%	-19,871
			Sub total	245,071
	Car Parking Spaces	29	300.00	8,700
			Total	253,771
			Rateable value say	252,500

Order

29. Under the provisions of regulation 38(4) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Tribunal for England orders the Valuation Officer to reduce the entry in the rating list to rateable value £252,500 with effect from 1 April 2023.

30. Under regulation 38(9), the Valuation Officer must comply with this order within two weeks of the date of its making.

Right of further appeal

31. 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.

32. 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 (Chair)
Mr PJ Ward, Senior Member
Mr P Barber, member
12 February 2026

Mr Richard Gath IRRV (Hons)
Clerk to the Tribunal
Date issued to the parties: 12 February 2026