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

Case No: CHG101219471

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

Before:
MR M ASLAM
MR PJ WARD
MR P BARBER

Between:

CATERHAM CARS LIMITED — **Appellant**

- and -

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

Regarding:
2-3 KENNET ROAD, DARTFORD DA1 4QN
(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

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DECISION

1. The appeal is allowed.

2. The Tribunal finds that the unadjusted main space price should be reduced to £60/m^2. The resultant rateable value (RV) was £174,000.

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 15 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 workshop and premises with an agreed total area of 3,202.85m² (2,922.67 ITMS). It was held on a five year lease which had been renewed at a passing rent of £175,000 effective from 21 January 2021. Mr Fitzsimmons had analysed the passing rent to £60.11/m².

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 tone of value to be applied to the appeal property. Mr Fitzsimmons sought a reduced entry of £174,000 RV from 1 April 2023 based on an unadjusted value of £60/m².

11. However, Mr Ali defended the VO's assessment of £181,000 RV based on a tone of value of £62.50/m².

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 and an external photograph of the subject property.

<u>*Preliminary issue*</u>

13. Mr Ali raised a preliminary issue, in that he wanted to argue that the rent for the subject property was between connected parties.

14. However, the panel considered this was not a preliminary issue but it was part of Mr Ali's argument rather than new evidence.

Relevant Law

15. 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

16. 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.

17. The panel applied some weight to the rent for the appeal property. The panel was aware that the lease was a lease renewal and did not fulfil the rating hypothesise of a tenancy coming fresh to the scene. But, nonetheless, it had been renewed in January 2021 and was therefore close to the AVD.

18. Mr Ali had argued that the rent was between connected parties, although he provided no evidence to support this argument. In their challenge decision, the VO acknowledged that they had seen the lease and the VO had not raised this in its decision notice and therefore the panel could not apply any significant weight to Mr Ali's argument as there was a lack of evidence to support this.

19. Mr Ali contended that he did not consider the rent for the subject property to be reliable as it had been occupied by the same appellant since 1987. Furthermore, it required a number of adjustments due to the addition of a mezzanine floor and for insurance and repair clauses within the lease. The VO submitted that these adjustments would result in a rent of £181,000 which suggested that the RV of £181,000 was correct for the subject property.

20. To further support their argument that the RV was correct, the VO had produced the rents for three other properties. But, the panel considered there were drawbacks to UCC Coffee as that unit was larger with a size of 4,331m².

21. One of the other units, Unit B Acorn Industrial Park and 1A Central Road the VO had analysed the rents at £125/m² and £59/m² respectively, although 1A Central Road was in the rating list at a main space price of £45/m². The size of the units were 2,418m² and 2,338m² respectively and were therefore smaller in size to the subject property. However, as these analysed rents varied so much and there was no explanation from the VO as to the reasons such a wide variation, these did not assist the panel to determine what the passing rent would be for the subject property as at the AVD.

22. Given the above, the VO did not provide any conclusive evidence to support their argument that the main space price of the subject property should be £62.50/m². The panel therefore concluded that subject property should be valued at £60/m². As the rent for 1A Central Road had been analysed at £59/m². The panel would expect a larger unit, such as the subject property to be valued less, as it would benefit from a quantum allowance and therefore the main space price that Mr Fitzsimmons was seeking did not appear to be out of kilter with other units.

Conclusion

23. Given the above, the panel was disappointed by the lack of reliable evidence presented by both parties. The VO had failed to produce any reliable evidence to support its argument that the main space price and the resultant RV was correct. Furthermore, Mr Ali had suggested that the rent was not reliable due to an unsupported argument that the lease was between connected parties. However, in its decision, the VO had relied on the lease, so he appeared to contradict the VO's own evidence.

24. However, as the VO was unable to prove that the RV was correct, by reference to any reliable comparable properties, the appeal was allowed.

25. The Valuation is as follows:

Floor	Description	Area	Rate/£	Value

Ground	Workshop	1730.21	60.00	103,813
Ground	Area under supported floor	504.83	42.00	21,203
Ground	Office	430.60	72.00	31,003
Mezzanine	Internal storage	457.21	30.00	13,716
Ground	Workshop	80.00	60.00	4,800
			total	174,535
	Portable building	19.10	45.00	860
	Car Parking Spaces	27	300.00	8,100
			Sub Total	183,494
	Less allowance for divided/split site		5%	-9,174
			Total	174,321
			Rateable value say	174,000

Order

26. 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 £174,000 with effect from 1 April 2023.

27. 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

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) using Form T385 (Notice of appeal) within **four weeks** of the date this decision and statement of reasons was 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 (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