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

Case No: CHG101219636

Sitting remotely using Microsoft Teams on 15 May 2026

Date: 29 May 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING - 2023 Rating List Appeal: Local Government Finance Act 1988; Factory and premises; Correct main space rate to be applied; Appeal dismissed.

Before:

MR J THOMAS
MS S BAINS
MR S GILL

Between:

DRIVE DEVILBISS HEALTHCARE LTD — **Appellant**

- and -

KAREN GILES (VALUATION OFFICER) — **Respondent**

Regarding:

BAYS 1-3 & PART BAY 4 SIDHIL BUSINESS PARK, HOLMFIELD INDUSTRIAL ESTATE, HALIFAX, HX2 9TN
(the “subject property”)

Mr C Diamond, from Ryan Property Tax Services Ltd representing the Appellant
Mr K Malik, representing the Respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal Panel found that the existing assessment at a Rateable Value (RV) of £282,500 from 1 April 2023 was not unreasonable nor excessive.

STATEMENT OF REASONS

Introduction

3. This appeal had been brought in respect of the following: Bays 1-3 & Part Bay 4 Sidhil Business Park, Holmfield Industrial Estate, Halifax, HX2 9TN, which was entered in the 2023 Rating List as factory and premises at £282,500 RV, effective from 1 April 2023.

4. The appellant's challenge to the Valuation Officer (VO) was made on 16 May 2024. The appeal to this Tribunal was made on 16 December 2025, following the Valuation Officer's decision notice of 27 November 2025, in respect of the subject property (hereditament).

5. Both Mr Diamond and Mr Malik appeared on behalf of the parties as 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 their obligations to the tribunal as experts. 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 Diamond confirmed that he was representing the appellant at the hearing on a contingency fee basis. He also declared 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 the evidence supported his client's case.

6. The panel have accepted this 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 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). The panel therefore considered the "expert" evidence and attached such weight to it as it saw fit.

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

Background

8. The subject property is a one storey industrial property with a basement situated in Holmfield Industrial Estate, Holdsworth Road, Halifax, operating as a factory and premises. The respondent stated that it has a total area of 10,050m^2, with a total significant area of 9,928.35m^2. Although stated to be adjacent to other industrial properties, the panel was informed that the appellant was one of two occupants on the industrial estate, with the other property sixty per cent larger, with an approximate size of 16,000m^2.

9. The entry for the subject property into the 2023 Rating List at £282,500 RV was based on a main space rate of £29/m^2. The appellant sought a reduction in the rateable value of the subject property, on the basis that the main space rate to be applied should be reduced to £27.50/m^2. On this basis, the rateable value sought by the appellant effective from 1 April 2023 was £270,000.

10. The evidence before the panel comprised of the information disclosed and exchanged during the challenge process. This included the parties' submissions, reference to the rent for the subject property, comparable rental and assessment evidence, copies of the current and the proposed valuations, as well as photographs of the subject and comparable properties.

Relevant Law

11. When arriving at its decision, the Tribunal is governed by rating legislation laid down by Parliament. Schedule 6 to the Local Government Finance Act 1988, as amended by section 1(2) of the Rating (Valuation) Act 1999, defines the Rateable Value of a non-domestic property as the amount equal to the rent at which it is estimated the property might reasonably be expected to let on a year to year basis 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 the 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 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 2020 (SI 2020 No. 832). In respect of this appeal the material day is 1 April 2023.

Discussion

13. The issue that the panel was required to determine was if the current aforementioned main space rate applied to the subject property was excessive. Mr Malik supported the existing main space rate of £29/m^2 whereas Mr Diamond sought a reduced rate of £27.50/m^2, stating that the evidence showed that the rateable value for the subject property was over-assessed.

14. The panel was aware that the Lands Tribunal judgment in *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 provided authoritative guidance on the weight to be attached to rental and assessment evidence. This case had established six propositions that gave clear guidance to be followed when assessing rateable value. Bearing these six propositions in mind, the panel acknowledged that the rent on the subject property, where available, was considered to be the correct starting point and consideration to how that rent compared to the statutory definition of rateable value. The rents on similar properties were also considered and assessments on other comparable properties may also be relevant. All of the evidence could then be weighted.

15. In considering whether the current rateable value was reasonable, the panel first turned to the rent passing on the subject property, which the appellant had analysed at £26.15/m^2, slightly less than the VO's analysed figure of £26.38/m^2. The appellant stated that the occupational lease for the subject property dated 01 August 2019 at a passing rent of

£256,160 per annum was the best available evidence and should be given primary weighting, being an open market transaction, free from incentives, and directly related to the hereditament under appeal. When adjusted for inflation to the AVD, the appellant stated that the rent equates to £264,408, supporting an RV of £270,000, when accounting for the additional plant & machinery. This evidence was asserted to be the most reliable indicator of rental value at AVD.

16. The respondent's case stated that the appellant quoted a rent of £256,160, which relates to an occupational lease dated 1 August 2019; however, the Form of Return (FOR) data for Bays 1–3 and part of Bay 4 at Sidhil Business Park records the same rent effective from 1 January 2017 under a five-year full repairing and insuring (FRI) lease, and no supporting lease documentation has been provided. The FOR information appears inconsistent, as it seems to reference a 2017 rent review with a revision in 2022, while also recording a lease for a 2019 rent at the same level, all on an FRI basis.

17. The VO added that the appellant has relied on the subject rent, which is considered to be the strongest market evidence available, noting that it reflects an occupational lease dated 1 August 2019 at a passing rent of £256,160 with no rent-free period. This agreement, in respect of the letting of a substantial building, predates the AVD by approximately 20 months. The VO recognised that the appellant acknowledged that rental values in the area had increased since the AVD, having adjusted the rent upward by 3.22% in line with the Retail Price Index to reflect inflation between the lease commencement and the AVD, which resulted in the appellant's adjusted RV figure of £270,000. Nonetheless, the respondent maintained that the rent for the subject property was pre-AVD and not determinative, being too remote from the AVD to be considered useful. The VO's position remained that the existing RV of £282,500 was supported by a basket of regional rents and settlements.

18. The VO provided a range of rental comparables to support the current base price applied to the subject property. The appellant challenged the validity of a number of the comparables, arguing that differences in size, location, and other characteristics, such as proximity to city centres or motorway access, as well as the level of fitting-out, rendered the evidence unreliable. The appellant further contended that the VO had selectively relied on higher-value rents to support its valuation.

19. The VO rejected these criticisms, maintaining that such differences did not invalidate the comparable property rental and assessment evidence, particularly within a regional industrial market. The VO confirmed that appropriate adjustments had been made, including for incentives and rent-free periods, and that considerations of "quantum" had been properly factored into the analysis. It was also emphasised that all relevant rental evidence had been presented, rather than selectively chosen. As a result, the VO concluded that the appellant had not introduced any persuasive new evidence and that the existing comparables continued to support both the current base price and the Rateable Value of £282,500.

20. With regard to the VO's evidence, the panel noted that reliance has been placed on a regional basket of rental comparables, including properties such as Brooke Taverner and Camira. However, the appellant contended that these properties differ materially from the subject hereditament in terms of size, age, and location, and as such, they cannot be regarded as directly comparable. Consequently, only limited evidential weight should be attached to them. For instance, Brooke Taverner is both larger and older than the subject property, and its rental tone is influenced by scale, which does not accurately reflect the characteristics of the hereditament under consideration. Similarly, Camira at Meltham Mills is approximately twice the size of the subject property. Although adjustments have been

applied, the differences in size, location, and age, according to the appellant, significantly diminish its comparability.

21. Other properties cited by the VO, including Gagewell Transport, Napier Brown, and George Walker Transport, benefit from superior motorway locations and display materially different physical characteristics, which the appellant stated made them unsuitable as direct comparables. Likewise, the warehouses at Lockwood Court and Oldfield Lane are located within urban Leeds, where market conditions differ substantially from those affecting the subject property, further limiting their relevance, albeit the appellant's representative stated the passing rent on Lockwood Court supported his case that the RV for the subject property was excessive.

22. In arriving at a decision, the panel was not persuaded that the existing main space rate or rateable value was excessive. Although the appellant relied heavily on the passing rent from the 2019 lease as the best evidence, the panel accepted the respondent's position that this rent was too remote from the AVD and was supported by inconsistent documentation, reducing its reliability. In contrast, the VO's valuation was underpinned by a wider basket of regional rental and assessment evidence which, despite some differences in individual comparables, was regarded as more robust to support the existing rate. Applying the principles from *Lotus and Delta v Culverwell*, the panel weighed all the evidence and concluded that the appellant had not provided convincing or stronger evidence to displace the existing assessment, and therefore the current rateable value was upheld.

Conclusion

23. In view of the above findings and conclusions, the Tribunal panel dismissed the appeal.

Right of further appeal

24. 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.

25. 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 J Thomas, Senior Member (Chair)
Ms S Bains, Senior Member
Mr S Gill, Member
29 May 2026

Mr R Patel
Clerk to the Tribunal
Date issued to the parties: 29 May 2026