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

Case No: CHG101223880

Sitting remotely using
Microsoft Teams on
6 May 2026

Date: 3 June 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — retail warehouse and premises; price per m^2 in dispute; rental evidence; comparable assessments; allowed in part.

Before:

MS A KALU
MR A ASANTE

Between:

DREAMS LIMITED — **Appellant**

- and -

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

Regarding:

UNIT 1, PRINCES GATE, HARLOW, CM20 2SU
(the "subject property")

Mr M Clayton from Ryan Property Tax Services UK Limited representing the Appellant
Mr L Stevens for the Respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is allowed in part.

2. The Tribunal found that the present adopted price of £90 per m^2 was not reasonable, and determined a revised price of £85 per m^2.

STATEMENT OF REASONS

Introduction

3. This is a 2023 rating list appeal. Unit 1 Princes Gate, Harlow, CM20 2SU (the subject property) had been entered in the 2023 rating list at £101,000 rateable value (RV) with effect from 1 April 2023, based upon an adopted price of £102.50 per m^2.

4. The challenge proposal was submitted by Ryan Property Tax Services UK Limited on behalf of Dreams Ltd and was received by the Valuation Officer on 29 May 2024. It had been made on the grounds that the RV shown in the rating list on 1 April 2023 was inaccurate. A revised RV of £74,000, based upon £75 per m^2 was proposed with effect from 1 April 2023.

5. The Valuation Officer issued a challenge case decision notice on 25 November 2025, which disagreed with the proposed alteration, but confirmed a reduction in the base rate to £90 per m^2, which resulted in a revised RV of £89,000.

6. 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 is not reasonable. The appeal was received by the Tribunal on 8 December 2025, in which the appellant's representative sought a revised RV of £81,500 based upon £82.50 per m^2.

7. Mr Clayton appeared on behalf of the appellant as both advocate and expert witness. In view of the Upper Tribunal's judgment in *Gardiner & Theobald LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), he declared that he was instructed on a contingency based fee, and 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 the 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.

Relevant Law

11. Rateable value is to be determined in accordance with paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988, which provides:

    "(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.

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.

13. 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 appeals, the material day is 1 April 2023.

Discussion

14. The subject property is a retail warehouse and premises located on Princes Gate in Harlow. It was built in the late 1980s and is of steel frame and corrugated cladding construction. The total area of the property is 958.18m^2.

15. Both parties had referred to the leading judgment of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141, which set out six propositions to be followed when considering the weighting of evidence. The rent on the subject property was considered to be the correct starting point but, where available, rents on similar properties are also to be taken into account. The assessments of other comparable properties may also be relevant. All of the evidence could then be weighted.

16. On behalf of the appellant, Mr Clayton submitted that the subject rent provided the best evidence as it was in close proximity to the AVD. The Valuation Officer contended that little weight should be attached to the subject rent due to the uncertainty regarding the 13 months' rent free period.

17. The panel heard from Mr Clayton that the subject property is held on a new arm's length lease signed on 6 June 2021 for a term of five years commencing on 29 March 2020 at a headline rent of £100,000 per annum with an initial rent-free period of 13 months agreed. Using the YP method at 8% and factoring in a reverse premium of £25,000, the net effective

rent is £81,282 per annum. Using an ITMS of 985.18m^2, this rent analyses to a revised rate of £82.02 per m^2 compared to the current adopted tone of £90 per m^2.

18. The Valuation Officer's interpretation of the worded condition report attached to the end of the lease was that there was an expectation for the tenant to undertake works as needed to occupy and use, rather than keep in a reasonable condition. The Valuation Officer believed that this was the reason for the significant rent free period to help cover the risk to cost for such improvements/repairs needed.

19. In response, Mr Clayton stated that the occupier had confirmed that the only works which had been carried out was a redecoration and the replacement of internal signage. This had taken a maximum of three weeks, and they continued trading throughout. No substantial works were involved and therefore Mr Clayton contended that the 13 months' rent free period was an incentive to renew the lease. He stated that he had agreed other cases in Harlow with rent free periods of one year or 18 months, and therefore this was not unusual.

20. In consideration of the parties' contentions regarding the subject rent, the panel considered that it provided compelling evidence of an open market rent agreed in 2020, and should therefore be weighted accordingly. While Mr Clayton had based his adopted price of £82.50 per m^2 on the analysis of the subject rent, the panel considered it was necessary to adjust to the AVD, and also examine the other rental evidence and comparable assessments.

21. The Valuation Officer's rental schedule included five transactions from other retail parks in Harlow: Oaks Retail Park, Queensgate Centre, St James Centre and Harlow Retail Park. Mr Clayton argued that the rents were not useful as they were not on the same retail park and they did not reflect the subject property's trading position or footfall. Mr Stevens agreed that Queensgate Centre is the main retail estate attracting higher rents from major retailers, and Oaks Retail Park has the main anchor of B&Q and a McDonalds. He contended that St James Centre was the most relevant for comparison with the subject estate.

22. The panel was not persuaded that rents from different retail parks assisted in arriving at a base price for the subject property, for the reasons outlined by Mr Clayton. The only rent presented from the subject retail park was in respect of Unit 2 Princes Gate, a significantly larger unit than the subject property at 3,541.73m^2. The rent analysed at £112.40 per m^2, but as it had been agreed in May 2019, the panel attached little weight to it.

23. The panel then turned to the comparable assessment evidence which was drawn from the subject retail park:

- Unit 1A Princes Gate, 2,114.47m^2 - £90 per m^2
- Unit 2 Princes Gate, 3,541.79m^2 - £80 per m^2
- Unit 3 Princes Gate, 862.51m^2 - £102.50 per m^2
- Unit 1B Princes Gate, 5,705.31m^2 - £152.50 per m^2

24. The panel noted that the largest of the units had been assessed at the highest price per m^2, which did not appear to demonstrate an element of quantum. In the absence of a clear pattern, the panel found support for Mr Clayton's contention that the best evidence was derived from the subject rent. In arriving at an adopted price of £85 per m^2 for the subject property, the panel considered the analysed rent of £82.50 per m^2 agreed in 2020, together with the fact that it was situated on a smaller retail park, tucked away in a corner with a lack of visibility from the main road.

Conclusion

25. In view of the above findings, the Tribunal is satisfied that the appellant's representative has demonstrated that the present RV of £89,000 is not reasonable. The Tribunal determines a revised RV of £84,000, based on an adopted price of £85 per m^2, and therefore the appeal is allowed in part:

Ref	**Floor**	**Description**	**Area m^2**	**£ per m^2**	**Value (£)**
1.1	Ground	Ground Floor Sales	985.18	85.00	83,740
ADDITIONAL FEATURES OF THE PROPERTY INCLUDED IN THE VALUATION					
		Supported Storage Floor	31.83	15.00	477
				Valuation subtotal	84,217

Rounded down to £84,000 RV

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 alter the entry in the rating list to £84,000 RV 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.

28. A refund of the paid fee will now be arranged provided there is no review of the Tribunal's decision. The refund will take around six weeks to process.

Right of further appeal

29. 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.

30. 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/.

Ms A Kalu, Senior Member
Mr A Asante, Member
3 June 2026

Mrs L Horne
Clerk to the Tribunal
Date issued to the parties: 3 June 2026