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

Case No: CHG101249642

Sitting remotely using
Microsoft Teams

Date: 25 September 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — 2023 rating list — warehouse and premises — Lotus & Delta Ltd v Culverwell (VO) And Leicester City Council [1976] RA 141 — tone of value for main space — appeal allowed in part.

Before:
MS C Y JONES
MISS AM PRICE

Between:

606 STRENGTH AND CONDITIONING — **Appellant**

- and -

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

Regarding:
UNIT 4E, EUROWAY ESTATE, WHARFEDALE ROAD, BRADFORD BD4 6SG
(the "subject hereditament")

Mr C Diamond of Ryan Property Tax Services UK Limited for the **Appellant**
Mr C Kazembe of the Valuation Office Agency for the **Respondent**

Hearing date: 12 September 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal is allowed in part. The panel determined the rateable value (RV) of the subject hereditament to be £17,750 with effect from 1 April 2023.

Introduction

2. The appeal process began with a proposal made by the Appellant on 22 July 2024 in respect of the Valuation Officer's (VO) list entry of the subject hereditament at £21,250 with effect from 1 April 2023. The Appellant proposed a revised assessment of £14,250 RV from that date based on a reduced tone of value for main space of £55 per m^2.

3. The Respondent issued a challenge case decision notice on 25 May 2023 which stated that the existing rating list entry was unreasonable. The Respondent reduced the assessment to £19,750 RV based on a revised tone of main space from £75 per m^2 to £69 per m^2. The Appellant appealed that decision to this Tribunal on 27 June 2023, on the grounds that the valuation for the subject hereditament remained unreasonable.

4. The subject hereditament was a warehouse and premises of $301.41m^2$, constructed in the 1970s and located within the Euroway Trading Estate.

5. Mr Diamond appeared on behalf of the Appellant as both advocate and expert witness. In view of the Upper Tribunal's judgment in *Gardiner & Theobold LLP v David Jackson (VO)* [2018] UKUT 0253 (LC), the representative confirmed that he was instructed under a conditional fee arrangement. He 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 or not the evidence supported the client's case.

6. The panel accepted this expert witness on the above basis as the parties agreed the appeal was not complex and to do otherwise would be contrary to regulation 3 (Discharge of Valuation Tribunal for England (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). 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 proceedings.

Issue

8. The panel was required to determine the correct RV to be attributed to the subject hereditament in the 2023 rating list. The issue in dispute concerned the tone of value for main space.

Relevant Law

9. The subject hereditament must be valued for the purpose of non-domestic rating on the basis of the rent at which it might reasonably be expected to be let from year to year on a number

of assumptions. Those assumptions are listed in paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988.

10. In accordance with the Rating Lists (Valuation Date) (England) Order 2014 (SI:2014 No.2841), the date of the hypothetical rent was 1 April 2021, the antecedent valuation date (AVD). This common date was used to ensure that every property was treated in a consistent way.

11. Matters that affected the physical state or enjoyment of the property or the locality were to be taken at the material day, as outlined by the Non-Domestic Rating (Material Day for List Alterations) Regulations 1992 (SI 1992 No. 556) as amended. In respect of the subject hereditament, the material day is 1 April 2023.

12. The Lands Tribunal decision of *Lotus & Delta Ltd v Culverwell (VO) and Leicester City Council* [1976] RA 141 is referred to in this decision.

Discussion

13. It is a well-established rating principle that the starting point in the determination of a property's RV should be the rent passing on the subject hereditament itself. The subject hereditament was let on a lease renewal with effect from 1 August 2020. This was a stepped rent of £16,100 on a term of 6 years which included three months half rent followed by one month half rent. The Appellant had analysed the rent to £55.68 per m^2 and argued that demonstrated that the tone of value adopted by the Respondent of £69 per m^2 was excessive. The Respondent contended that the rent was unreliable due to its stepped nature.

14. The Appellant submitted two comparable assessments with rental evidence which were contended to further support a reduced tone of value for main space in addition to the subject rent itself. The Appellant stated that Units 12a-12b, Euroway Estate had a new lease with effect from 20 January 2022 at £80,000 per annum, analysed to £42.53 per m^2. The tone of value for main space was adopted to £45 per m^2. The Appellant stated that Unit 8a, Euroway Estate had a new lease with effect from 28 September 2021 at £42,450 per annum, analysed to £42.41 per m^2. The tone of value for main space was adopted to £52 per m^2. The properties were 1947.02m^2 and 1020.67m^2 respectively, and Mr Diamond argued that although larger than the subject hereditament, they were on the same estate and considering quantum would still support a reduced tone of value. Mr Cremio argued that the lettings were renewals and therefore less weight should be applied to them.

15. The Respondent submitted rental evidence for five comparable assessments which were contended to support a tone of value for main space of £69 per m^2 at the subject hereditament. Units 7 and 5, South Bradford Trading Estate, were newly let at £20,475 and £27,600 with effect from 1 May 2021 and 1 November 2020 respectively. Unit 7 was 276.98m^2 and Unit 5 was 306m^2. Mr Cremio stated that the rents had been analysed to £68.99 per m^2 £91.90 per m^2 respectively, and a tone of value for main space was adopted of £63 per m^2. Mr Cremio was asked why the analysed rent at number 5 was significantly higher than the adopted tone however he was unable to answer. Mr Cremio stated that South Bradford Trading Estate was in close proximity to the Euroway Estate. Mr Diamond argued that the high analysis was a result of recent refurbishment and therefore they were higher quality than the subject hereditament.

16. The Respondent referred to new lettings at Unit 3 Synergy Business Park and Unit 6 Bowling Park with effect from 31 October 2021 and 1 February 2021. Mr Cremio stated that the properties were a few miles away from the Euroway Estate and argued were in a less desirable location than the subject hereditament, hence the lower analysed rents of £43.17 per m^2 and £40.35 per m^2, respectively. The tone of value for main space at Unit 3 Synergy Business Park was £63 per m^2 and Unit 6 Bowling Park £73 per m^2.

17. The Respondent provided several assessments within the locality where the tone of value for main space had been agreed at challenge. However, the Respondent stated they were mostly larger units and not directly comparable to the subject hereditament. GF WHS 16, Commondale Way was 240.19m^2 and had a tone of value of main space of £73 per m^2. Mr Cremio stated that the property was around 2.5 miles away from the subject hereditament.

18. In accordance with *Lotus and Delta*, the panel considered the passing rent at the subject hereditament and deemed it unreliable for rating purposes due to its stepped nature. It considered that stepped rental arrangements left too much to conjuncture and therefore any such rent would require considerable adjustment. As such, the panel attached little weight to the subject rent.

19. Turning to the third proposition in *Lotus and Delta*, the panel considered the rental evidence of comparable assessments by the Appellant and Respondent. The panel considered Units 12a-12b and Unit 8a at Euroway Estate to be strong evidence as they shared the immediate locality with the subject hereditament and had lettings close to the AVD. The tones of value for main space at those properties were £45 per m^2 and £52 per m^2 respectively and closely aligned to the analysed rents. The panel was aware that the properties were significantly larger than the subject hereditament and concluded that quantum was a likely factor in their lower tone of value. As such, the panel found that the subject hereditament's tone of value for main space should be higher than at those properties.

20. The panel also found Units 7 and 5, South Bradford Trading Estate as submitted by the Respondent to be strong evidence as they were new lettings and also close to the AVD. They were also the most similar to the subject hereditament in terms of size, closer than both Unit 3 Synergy Park and Unit 6 Bowling Park. The panel noted that Units 7 and 5, South Bradford Trading Estate were located on a separate estate, however still considered they were close enough to be of assistance as it was only circa two miles away. Given the properties had been recently refurbished and Mr Cremio was unable to explain why one of the analysed rents widely deviated from the tone of value for main space of £63, the panel considered that the tone of value for main space at the subject hereditament should be lower than that figure. The panel attached little weight to GF WHS 16, Commondale Way as that was tonal evidence and the panel found the rental evidence submitted by the parties to be strong given the types of lettings and their close proximity to the AVD.

21. Balancing the similarities between the subject hereditament of Units 7 and 5, South Bradford Trading Estate in terms of size, and Units 12a-12b and Unit 8a in terms of locality, the panel determined that a tone of value of main space of £62 per m^2 was both fair and reasonable in this instance.

Determination

22. The panel determined that the tone of value for main space was £62 per m^2. The revised assessment for the subject hereditament's 2023 rating list entry with effect from 1 April 2023 is as follows:

COMPONENT PARTS OF PROPERTY				
Floor	**Description**	**Area m2/unit**	**£ per m2/unit**	**Value (£)**
Ground	Warehouse	241.81	62.00	14,992
Ground	Works Office	29.80	62.00	1,848
Mezzanine	Works Office	16.23	31.00	503
Mezzanine	Internal Storage	13.57	31.00	421
			Valuation sub-total	17,764
			Say RV	**17,750**

23. In view of the foregoing, the appeal was allowed in part as the Respondent's valuation of the subject hereditament was determined unreasonable, but not to the extent as sought by the Appellant.

24. In accordance with Regulation 38(4) and (9) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Respondent is ordered to alter the subject hereditament's entry in the rating list to £17,750 RV with effect from 1 April 2023. The Respondent must comply with this order within two weeks of its making.

25. Any fee paid will be refunded in full in accordance with Regulation 13E of the above Regulations.

Right of further appeal

26. 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.

27. 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 C Y Jones, Senior Member (Presiding)

Miss AM Price, Senior Member

25 September 2025

Sam Fletcher
Clerk to the Tribunal
Date issued to the parties: 25 September 2025