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

Case No: CHG101271436

Sitting remotely using Microsoft Teams on 03/06/2026 10:00

Date: 2 July 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — Workshop offices and premises — Unadjusted base rate —Appeal dismissed.

Before:

MR WJ READ
MS A VERMA

Between:

F.S.H. (GROUP) LIMITED (REPRESENTED BY RYAN PROPERTY TAX SERVICES UK LIMITED) — **Appellant**

- and -

AMANDA HITCHINGS (VALUATION OFFICER) — **Respondent**

Regarding:

7 CHAPEL BROOK TRADE PARK, WILSON ROAD, LIVERPOOL, L36 6FH
(the “subject property”)

Mr C Hodgkinson for the Appellant
Mr A Glover for the Respondent

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal Panel confirmed the rateable value (RV) of the subject property at £35,500 with effect from 1 April 2023.

STATEMENT OF REASONS

Introduction

3. This was a 2023 rating list appeal. The subject property had been entered in the 2023 rating list as “Workshop Offices and Premises” at an RV of £35,500 with effect from 1 April 2023. This was based on an unadjusted base rate of £60 per square metre (psm).

4. The challenge proposal was submitted by Ryan Property Tax Services UK Limited on behalf of F.S.H. (Group) Limited and was received by the Valuation Officer (VO) on 23 September 2024. It had been made on the grounds that the RV shown in the 2023 rating list was wrong and proposed a revised RV of £29,500 based on £50 psm.

5. The VO issued a challenge case decision notice. The VO’s decision was to treat the appellant’s challenge as not well-founded and proposed no change to the rating list.

6. Following the exchange of evidence and discussions throughout the challenge period, Mr Hodgkinson revised his proposed valuation to £32,500 RV based on £55 psm.

7. Mr Hodgkinson 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), Mr Hodgkinson declared that he was instructed under a conditional fee arrangement.

8. Mr Hodgkinson understood and accepted that his duty was to the Tribunal in giving his evidence and he would comply with this regardless of whether or not the evidence supported his client’s case.

9. The Tribunal 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).

10. The Panel therefore considered the expert evidence and attached such weight to it as it saw fit.

11. Mr Glover appeared as both advocate and expert witness.

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

Background

13. The subject property was an industrial unit that consisted of a warehouse and office with a trade counter. It had a glazed frontage and shared parking to the front of the property. The subject property was built in 2009 and had a total significant area of 596m^2, with partial heating and 6.5m eaves. It was located on the Chapel Brook Trade Park on the outskirts of Liverpool.

Relevant Law

The Local Government Finance Act 1988

14. Schedule 6 of the Act provides that:

> 2(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.

15. 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.

16. 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 appeal, the material day is 1 April 2023.

Discussion

17. The leading judgment of *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141, referred to by both parties, set out six propositions to be followed when considering the weighting of evidence:

    1. Where the hereditament which is the subject of consideration is actually let that rent should be taken as the starting point.
    2. The more closely the circumstances under which the rent agreed both as to time, subject matter and conditions relate to the statutory requirements contained in the definition of gross value in s.19(6) of the General Rate Act 1967 the more weight should be attached to it.

3. Where rents of similar properties are available, they too are to be properly looked at through the eye of the valuer in order to confirm or otherwise the level of value indicated by the actual rent of the subject property.
4. Assessments of other comparable properties are relevant. When a valuation list is prepared these assessments are to be taken as indicating comparative values estimated by the Valuation Officer. In subsequent proceedings on that list therefore they can properly be referred to as giving an indication of that opinion.
5. In light of all the evidence an opinion can then be formed of the differing types of evidence depending on the one hand the nature of the actual rent and on the other hand, on the degree of comparability found in other properties.
6. In those cases where there are no rents available of comparable properties a review of other assessments may be helpful but, in such circumstances, it would be clearly more difficult to reject the evidence of the actual rent.

18. There were two rents on the subject property that were referred to by the parties. Both were five-year lease renewals. One was effective from 1 May 2019 and was £40,000 per annum which Mr Glover analysed to £51.26 psm. The second rent was effective from 1 July 2024 and was a stepped rent. Mr Glover adjusted this to £55,650 per annum which analysed to 86.98 psm. Mr Hodgkinson gave no weight to the 2024 rent due to its proximity to the AVD. Mr Glover agreed it was removed from the AVD; however, he contended it demonstrated growth in the industrial market since 2019.

19. In addition to the subject rents, the parties had provided rental evidence from comparable assessments:

    4 Chapel Brook Trade Park measured 623.60m^2 and had a passing rent of £27,800 per annum. This was a five-year lease effective from 4 February 2022. Both parties analysed the rent to £45.72.

    Unit 1 Chapel Brook Trade Park measured 750.87m^2 and was subject to a ten-year lease with a stepped rent. Both parties adjusted the rent to £41,148 per annum and analysed it to £54.80 psm.

    Unit 17 Chapel Brook Trade Park measured 174m^2 and had a passing rent of £13,430 per annum. This was a three-year lease renewal effective from 1 January 2022. Mr Glover analysed the rent to £61.70 psm.

    8 Chapel Brook Trade Park measured 621m^2 and had a passing rent of £23,000 per annum. This was a ten-year new letting with effect from 1 January 2022 on full repairing and insurance (FRI) terms. Mr Glover analysed this rent to £61.70 psm.

    Unit 2 Corner Point measured 1,393m^2 and had a passing rent of £97,500 per annum. This was a ten-year lease renewal with effect from 5 February 2021 on FRI terms with five yearly reviews. Mr Glover analysed this rent to £69.97 psm.

20. The panel noted that the Corner Point site was located opposite the Chapel Brook Trade Park. It heard that the form of return for 4 Chapel Brook Trade Park indicated there was a subletting at the property for £13,300 per annum.

21. The panel considered all of the evidence before it and took into account that some rents were agreed pre-AVD and some were post-AVD. The panel placed less weight on the rental evidence for 4 Chapel Brook Trade Park due to the form of return suggesting the property

included a sub-letting arrangement. There was not sufficient evidence provided by either party for the panel to consider this a reliable rent. The panel also placed no weight on the 2024 rent of the subject property in relation to the 2023 valuation. It found it was too far removed from AVD to be useful for those purposes. The panel acknowledged Mr Glover’s point that it demonstrated growth between 2019 and 2024, however this was an isolated example.

22. The panel placed medium weight on the 2019 rent of the subject property and Unit 1 Chapel Brook Trade Park. It found that they required more adjustments due to the nature of the stepped rent arrangements.

23. The most weight was attributed to the rent on 8 Chapel Brook Trade Park. This was located next to the subject property, was a similar size, and was a new letting on FRI terms, which was effective two months prior to the AVD. This analysed to £61.70 psm and was in the 2023 rating list at £60psm.

24. The burden of proof was on the appellant’s representative to demonstrate that the current RV was unreasonable. The panel found that this had not been achieved with the evidence before it, and to reduce the base rate for the subject property would be out of line with the tone in the location and would not be reasonable.

Conclusion

25. In view of the above findings and conclusions, the Tribunal Panel is satisfied that the RV of £35,500 with effect from 1 April 2023 is reasonable. Therefore, the appeal is dismissed.

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

Mr WJ Read, Senior Member (Chair)
Ms A Verma, Senior Member
2 July 2026

Mrs S Hodgson
Clerk to the Tribunal
Date issued to the parties: 2 July 2026