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

Case No: CHG101278899

Sitting remotely using Microsoft Teams

Date: 11 September 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

Non-Domestic rating; Local Government Finance Act 1988; Lotus and Delta v Culverwell (VO) [1976] RA 141; Comparable Properties; Rate; Appeal dismissed.

Before:

MRS S PATEL
MR PJ HICKSON

Between:

JOHN ADAMS LEISURE LIMITED — **Appellant**

- and -

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

Regarding:
HERCULES HOUSE, PIERSON ROAD, ENTERPRISE CAMPUS, HUNTINGDON, CAMBRIDGESHIRE PE28 4YA
(the appeal property)

Mr Oli Plumley of Ryan Property Tax Services UK Limited for the appellant
Mr Darren Rigg for the respondent

Hearing date: 20 August 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeal was dismissed. The Tribunal found that the valuation of the appeal property of rateable value £740,000 was reasonable.

Introduction

2. The appellant sought a reduction in the 2023 rating list rateable value from £855,000 to £570,000 with effect from 1 April 2023 based on reducing the rate/m^2 from £75 to £50.

3. A challenge to the rateable value was submitted on 10 February 2025 based on rental evidence from nearby comparable properties that they felt supported a reduction.

4. The respondent considered the challenge and found that the rating list entry was unreasonable based on the evidence and information available but disagreed with the proposed entry. The VO reduced the RV to £740,000 based on a rate of £65/m^2 with effect from 1 April 2023.

5. The appeal property was a warehouse and premises constructed in 2018 and had two storey offices. The total area was 11.399.82m^2.

6. The appellant was represented by Mr Oli Plumley of Ryan Property Tax Services Limited who appeared 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 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 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.

7. 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).

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

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

Relevant Law

10. Local Government Finance Act (LGFA) 1988.

11. *Lotus and Delta v Culverwell (VO)* [1976] RA 141

Discussion

12. The panel was aware that rateable value should be assessed in accordance with The Local Government Finance1988 Schedule 6, paragraph 2 (1).

13. "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….."

14. Further, 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. The material day, the date by which physical factors have to be taken into account in respect of this appeal, was 1 April 2023.

15. The panel was also aware that the leading case law in non-domestic property valuation was *Lotus and Delta v Culverwell (VO)* [1976] RA 141 which sets out the manner by which a property should be valued. This judgment provided authoritative guidance on the weight to be attached to rental and assessment evidence. The rent on the subject property was considered to be the correct starting point and then rents and assessments on other comparable properties. All of the evidence could then be weighted.

16. The appellant's representative stated that the appeal property had been let on 9 March 2018 at a rent of £760,356 per annum, however, as it was between connected parties no weight should be attributed to it.

17. The VO's representative stated that although the letting was between connected parties it was a new letting around three years prior to the AVD and had been reported as an open market rent. This was not increased at the rent review in 2023. Whilst both of these rental values are some time before and after the AVD, together they provided a suitable starting point in the appeal property's valuation. The rent devalued to £66.36/m^2, a value above the rate attributed.

18. The panel acknowledged the appeal property rental evidence noting that whilst it was not as good as a clear open market letting at the AVD it nevertheless provided some useful evidence.

19. The appellant's representative then compared the increases from the 2017 rating list to that of the 2023 list stating that for two properties on the same road as the appeal property, Founders House and Alconbury Packing Solutions, the rate £/m^2 had increased from £35/m^2 to £50/m^2 whereas the appeal property had increased from £35/m^2 to £65/m^2, double the amount. In his opinion, the VO had given no evidence as to why this should be the case.

20. The VO's representative stated that the appeal property was little more than a third of the size of each of the two properties which therefore justified its higher rate.

21. The panel noted that both parties had submitted the property at Nordic House as comparable to the appeal property. It was very similar in size and its rent 21 months post AVD devalued to £49.31/m^2. The appellant's representative found this to be supportive of a lower rate for the appeal property, however, the VO's representative stated that although it was 13 years older than the appeal property and four miles from it, it was still valued at the rate of £65/m^2 and was therefore comparable to the appeal property and supportive of its current rate.

22. The appellant's representative also submitted that the property at United Agri Products Ltd on Alconbury Hill was very similar in size to the appeal property and had similar good access to the A1 road. This had been valued at £50/m^2 and supported a reduction in the rate for the appeal property. The VO's representative submitted that this property was 17 years older than the appeal property and so was valued at a lower rate.

23. The panel found that the appeal property was in a better location being on a purpose built industrial estate and with good access to main roads than any of the comparable properties submitted. Nordic House was the most comparable, however, it was four miles from the appeal property, in a different village and older than the appeal property being built in 2005 as opposed to 2018.

24. The panel also found that the rental evidence on the appeal property was useful but not definitive.

25. The panel found that the percentage uplifts identified by the appellant's representative between the 2017 and 2023 rating lists were not particularly helpful in the valuation of the appeal property as the panel was aware that the rating lists are separate entities with the AVD's being six years apart.

26. In general, the panel found that the VO had provided a basket of evidence in support of the current rate on the appeal property whereas there was little sound evidence in support of a lower rate.

27. For these reasons, the panel found that the valuation of the appeal property was not unreasonable.

Decision

28. The appeal was therefore dismissed.

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) within **four weeks** of the date this decision and statement of reasons is 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/.

Mrs S Patel, Senior Member (Presiding)
Mr PJ Hickson, Senior Member
11 September 2025

Mr D Adamson
Clerk to the Tribunal
Date issued to the parties: 11 September 2025