IN THE VALUATION TRIBUNAL FOR ENGLAND
IN THE MATTER OF A 2017 RATING LIST APPEAL

Case No: CHG101299605
CHG101299608

Sitting remotely using Microsoft Teams

Date: 30 September 2025

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

Non-Domestic Rating; Local Government Finance Act (LGFA) 1988; Lotus and Delta v Culverwell (VO) [1976] RA 141; Merger; End Allowance; Barr (VO) v Manley & Regulus Ltd LVC 1642 1958 (1960 53 R&IT 213); Woolway (VO) v Mazars [2015] UKSC53; Appeals dismissed.

Before:
MR PJ WARD
MR M MIAH

Between:

DATUM CONTRACTS HODDESDON LTD — **Appellant**
- and -
KAREN GILES (VALUATION OFFICER) — **Respondent**

Regarding:

CHG101299605 GND AND PT 1ST FLR, DATUM HOUSE, ESSEX WAY, HODDESDON, HERTFORDSHIRE EN11 0DU
AND
CHG101299608 EAGLE HOUSE, ESSEX WAY, HODDESDEN, HERTFORDSHRE EN11 0DU
(the appeal properties)

Mr Michael Clayton and Mr Chris Cates of Ryan Property Tax Services UK Limited
Mr Tawanda Manyadza for the Respondent

Hearing date: 3 September 2025

DECISION AND STATEMENT OF REASONS

Decision

1. The appeals were dismissed. The panel found that the two assessments should remain as separate entries in the Non-Domestic Rating List.

Introduction

2. The appellants owned and occupied both properties and sought a merger to one assessment as they were in the same curtilage.

3. The Rateable Value (RV) of GND and PT 1ST FLR Datum House was £89,500 based on a rate of £37.50/m^2 with effect from 1 April 2017 and the RV of Essex House was £26,750 based on a rate of £55/m^2 with effect from 1 November 2022. The appellant sought a rate of £32.50/m^2 less a 7.5% end allowance for a split site to give an RV of £86,500 with effect from 1 April 2017.

4. A challenge to merge the properties was submitted on 25 February 2025. The respondent considered the challenge and found that the rating list entries were reasonable based on the evidence and information available and disagreed with the challenge.

5. The appellant was represented by Mr Michael Clayton of Ryan Property Tax Services UK Limited who appeared as an 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.

6. 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).

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

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

Relevant Law

9. Local Government Finance Act (LGFA) 1988.

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

11. *Barr (VO) v Manley & Regulus Ltd LVC 1642* 1958 (1960 53 R&IT 213)

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 2017 rating list, the rental levels are to be taken as those passing at the antecedent valuation date (AVD) of 1 April 2015. The material day, the date by which physical factors have to be taken into account in respect of this appeal, was 1 April 2017.

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 representatives stated that the main contention in the appeals was that the two properties had previously been rated as one assessment in the previous four rating lists back to the year 2000 and nothing had changed since then in respect of the occupation of the building. Although there were two companies on site, Datum and EHF, they were both owned by Datum Contracts Hoddesden Ltd. and worked on the same projects, shared the same staff and project managers and there was a single contract and one invoice for any work done.

17. The rate of £32.50/m^2 was the previous rate for the single assessment in the 2017 rating list. The split was done on 27 March 2024 but, in their opinion, it was an error by the valuation office. Mr Clayton advised that he was involved in an appeal on the 2017 list where it was agreed that it would be assessed as one merged property. Photographs of the appeal properties were submitted as well as an aerial view to show the site boundary.

18. There was a small office Pt 1st Floor, Datum House that was also part of the split, however, this should remain to be separately assessed. The panel queried as to why it should be separate and Mr Clayton stated that it was occupied by a different company not related to Datum Contracts.

19. The respondent's representative stated that the properties had been inspected on 18 August 2025 and he referred to the external photographs submitted and a property plan.

20. He stated that the properties were capable of being let separately, were occupied by separate legal entities, were independently run and both companies had their own separate company number with separate accounts and directors. The two companies had separate websites and contact details and customers make payments to each respective company. There was a lease agreement granting EH Fabrications exclusive occupation of Eagle House.

21. He also made reference to the case of *Barr (VO) v Manley & Regulus Ltd LVC 1642* 1958 (1960 53 R&IT 213) which he felt supported his case as the circumstances were very similar. There were three factories within the same curtilage that were separately assessed because each was a separate legal entity.

22. For these reasons he was of the opinion that the properties should remain to be separately assessed and did not imply that the holding company had paramount control.

23. He made reference to the case of *Woolway (VO) v Mazars* [2015] UKSC53 which he felt supported his view that the two properties were non-contiguous assessments that could be let separately. There was clear physical separation between the properties with several access points.

24. The panel queried as to what led the change from one to two assessments and he replied that the valuation officer had a duty to maintain an accurate list.

25. The panel noted the comments in respect of the separate assessment. This was occupied by First Granite in part of Essex House.

26. The panel made reference to the questionnaire completed on 17 January 2025 by Mr Clayton where he advised that Datum Contracts and EH Fabrications were separate legal entities and filed separate accounts. Each company employs its own staff but staff work all across the sites. The whole site was owned freehold with a connected party agreement between Datum Contract Holdings Ltd and EH Fabrications of £42,000 per annum.

27. The panel found that the signed questionnaire and the photographs and layout plans of the properties was very good evidence supporting the two separate assessments. On questioning, the appellant's representative had stated that the questionnaire was accurate.

28. The panel noted that it had been suggested by the appellant's representatives that the yardspace between the properties could be considered as the contiguous link between them, however, the panel dismissed this as the space was used by Datum, EHF and First Granite. It was not in exclusive occupation by any of the companies.

29. The panel found that the appellant's representatives had not submitted any evidence to support a reduction in the rate per m^2. They had simply been dependent on the previous £/m^2 prior to the split assessment.

30. The panel found that little evidence had been presented to show that the two assessments should be merged.

Determination

31. The appeals were therefore dismissed.

Right of further appeal

32. 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.

33. 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 PJ Ward, Senior Member (Presiding)
Mr M Miah, Senior Member
30 September 2025

Mr D Adamson
Clerk to the Tribunal
Date issued to the parties: 30 September 2025