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

Case No: CHG101322068

Sitting remotely using Microsoft Teams on 24 April 2026

Date: 20 May 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

RATING — Local Government Finance Act 1988 — 2023 Rating List Appeals: Research Centre and Premises; Unadjusted Base Rate; Valuation Schemes; Appeals dismissed.

Before:

MR C BUSST
MR M MIAH
MR K HIGGINS

Between:

DOMAINEX LTD **Appellant**

- and -

KAREN GILES
(VALUATION OFFICER) **Respondent**

Regarding:

BUILDINGS 50 & 72, CHESTERFORD PARK, SAFFRON WALDEN, CB10 1XL
(the “subject property”)

Mr C Cates, from Ryan Property Tax Services UK Limited, representing the Appellant
Mr M Clayton, from Ryan Property Tax Services UK Limited, Expert Witness for the Appellant
Mr C Cole, representing the Respondent Valuation Officer

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal Panel found that the existing assessments at Rateable Values (RV) of £555,000 from 1 April 2023 and £560,000 from 2 February 2024 were not unreasonable or excessive.

STATEMENT OF REASONS

Introduction

3. These were 2023 Rating List appeals in respect of the subject property, which was a ‘Research Centre and Premises’ located in Chesterford Park, Saffron Walden.

4. Appeal CHG101322068 sought a reduction to the RV effective from 1 April 2023, with appeal CHG101322050 seeking a reduction in RV from 2 February 2024. The RV of the subject property was calculated with an unadjusted base rate of £330/m^2. This base rate was the only contended issue between the parties, with the appeals heard together, as agreed by the parties.

5. Evidence bundles from both parties had been submitted, containing information and evidence in respect of the disputed issue. Following the exchange of evidence and discussions throughout the challenge period, the VO’s position did not change. The position of the appellant had changed, with a reduction to the unadjusted base rate to £145/m^2 now sought. The evidence was considered to support a reduction in the RV, calculated using the rate of £145/m^2, rather than the previously requested unadjusted base rate of £175/m^2. This resulted in revised requests for the RV’s to be reduced from £550,000 and £560,000 to £252,500 and £255,000, from 1 April 2023 and 2 February 2024 respectively, rather than £300,000 and £302,500.

6. Mr Cates and Mr Clayton, on behalf of the appellant, appeared as advocate and expert witness, respectively. In view of the Upper Tribunal’s judgment in *Gardiner & Theobald LLP v David Jackson* (VO) [2018] UKUT 0253 (LC) the panel was informed that Ryan Tax Property Services Ltd was instructed on a conditional fee basis. Both Mr Cates and Mr Clayton declared that they understood and accepted that their duty was to the Tribunal in giving their evidence and that they were aware of and have complied with the requirements of the rules, protocols and directions of the Valuation Tribunal.

7. The panel accepted Mr Clayton’s expert witness evidence on the above basis as the appeal is not complex and to do otherwise would be contrary to regulation 3 (Discharge of VTE functions – general) of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 and is 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. Mr Cole, for the Valuation Officer, appeared before the panel in a dual capacity, as both advocate and expert witness.

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

Background

10. The subject property according to the respondent is one of a number of properties located on Chesterford Research Park, approximately three miles from Saffron Walden in a rural setting near the village of Little Chesterford, close to the M11 motorway and within proximity to Cambridge and its concentration of research facilities.

11. The subject property itself was built in 1988, has a total floor area of 1,532m^2 and comprises ground floor offices and laboratories.

12. Both parties had provided details of their revised valuations, with their respective valuations as follows:

    - 1 April 2023 to 1 February 2024:
      Current RV of £550,000 requested to be reduced to £252,500 RV

    - 2 February 2024 to 31 March 2026:
      Current RV of £560,000 requested to be reduced to £255,000 RV

13. The appellant sought a reduction in the RV's of the subject property on the basis that the unadjusted base rate of £330/m^2 was excessive and that this rate be reduced to £145/m^2.

Preliminary issue

14. During the week of the hearing and prior to the hearing date, the representatives for both parties submitted additional documents and evidence, which they had exchanged with each other and also sent to the Tribunal. Each party confirmed that they had no objections to the inclusion of each other's additional documents. With there being no apparent disadvantage for these documents to be included as evidence, there was no serious or significant breach, with the panel deciding that it was fair and reasonable to allow both parties to refer to all the evidence exchanged between the parties prior to the hearing, in support of their respective cases.

Relevant Law

15. When arriving at its decision, the panel is governed by rating legislation laid down by Parliament. Schedule 6 to the Local Government Finance Act 1988, as amended by section 1(2) of the Rating (Valuation) Act 1999, defines the Rateable Value of a non-domestic property as the amount equal to the rent at which it is estimated the property might reasonably be expected to let on a year to year basis 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 the 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.

16. 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 (SI 2020 No. 832). In respect of these appeals, the material dates were 1 April 2023 and 2 February 2024.

Discussion

17. The panel was experienced in deciding cases where the parties sought different RV's on the grounds that the unadjusted base rate applied was excessive and unreasonable, with evidence and arguments put forward using rental evidence in respect of the subject property, evidence of rents in respect of comparable properties, as well as assessment evidence of properties also considered to be comparable.

18. Whilst mindful of the above, the panel noted and agreed that in this appeal its focus lay with determining the appropriate unadjusted base rate by having regard to the Valuation Schemes in which the parties contended that the subject property should be placed; the values of properties within each scheme; while at the same time having regard to the Lands Tribunal judgment in *Lotus and Delta v Culverwell (VO) and Leicester City Council* [1976] RA 141 which provided authoritative guidance on the weight to be attached to rental and assessment evidence. This case had established six propositions that gave clear guidance to be followed when assessing rateable value. Bearing these six propositions in mind, the panel acknowledged that the rent on the subject property, where available, was considered to be the correct starting point and consideration to how that rent compared to the statutory definition of rateable value. The rents on similar properties were also considered and assessments on other comparable properties may also be relevant. All of the evidence could then be weighted.

19. The appellant argued that the subject property has been over-valued because it has been incorrectly placed in valuation scheme 616442, which is intended for modern, high-spec offices and laboratories. It was asserted that the subject property, built in 1988, does not meet this standard due to its older age, more basic design, and lack of modern features. The current valuation applies a uniform rate of £330/m², which the appellant claims, fails to reflect differences in age, size, and condition, making it inconsistent with market reality as of 1 April 2021. Instead, the appellant proposed reclassification into scheme 616035, which was stated to more accurately reflect the property's specification and age and is supported by comparable property evidence.

20. The respondent disputes the claim of a flat rate, stating that rates in scheme 616442 actually range from £290/m² to £360/m² depending on size, and notes that very few properties, only three, or possibly four, exist within scheme 616035, with the vast majority of properties on the site classified within scheme 616442.

21. The respondent advised that the property was inspected in December 2023 together with a surveyor from Ryan Property Tax Services Ltd. During this inspection, it was observed that the building had undergone several changes, including an extension to the reception area, internal reconfiguration through the removal of walls, and recladding of the roof. The appellant asserted that the subject property is among the oldest on the estate and does not benefit from the modern specifications seen in newer comparable buildings, adding that aside from minor repairs and limited refurbishment works undertaken in 2016, the property remains largely unchanged and is of a more basic standard compared to offices developed in the 2000's and 2010's. The appellant contended that the VO has failed to make adequate allowances for the building's age and condition, and that the internal alterations referenced

do not warrant the current valuation level and consequently, the assessment does not accurately reflect its true market value.

22. In reaching its decision, the panel considered the rent applicable to the subject property. The lease for the subject property was signed in 2016 with fixed rental steps from 1 May 2016. The VO stated that based on this agreement, the current rent from 1 May 2021 was £720,000 per annum, which when analysed and adjusted equated to £375.34/m². Furthermore, the VO stated that if the current rent were instead assessed as a new letting for a five-year term (to the expiry of the existing lease), this would devalue to £428/m². The appellant asserted that the VO's reliance on the fixed rent agreed in 2016 is misplaced, as it does not reflect market conditions at the AVD. The lease, agreed in 2016, six years pre AVD, incorporates fixed rental uplifts and does not provide an accurate indication of open market value at the relevant valuation date. Accordingly, the appellant asserted that the VO's reliance on this rent conflicts with established case law and it should be disregarded for valuation purposes as it fails to meet the evidential standard required to establish tone.

23. The respondent informed the panel that a previous challenge, in respect of the 2017 Rating List entry for the subject property, submitted by the same agent, was withdrawn with no change to the valuation. The evidence from the 2017 challenge showed that the passing rent for the subject property was higher than two of the more modern buildings, namely Robinsons Building and Building 900, Chesterford Research Park, with the VO contending that the subject property would achieve an open market rent to the same, if not in excess of those applicable to more modern buildings. The respondent argued that this argument was accepted with regard to the 2017 Rating List entry challenge, with there being no reason for the position to be different in respect of the 2023 Rating List. The panel noted the comments on behalf of the appellant that valuing a property in a rating list based on matters referred to in a previous rating list had never been a compelling argument.

24. The panel recognised the difference in age of the comparable properties of the Robinsons Building and Building 900, built in 2015 and 2004, respectively, albeit when reviewing the rental evidence from the 2017 Rating List challenge acknowledged that their rents analysed at amounts not too dissimilar to, and lower than that of the subject property. The appellant's representative stated that when the 2016 rent for the subject property was agreed, this allowed their client to have a degree of certainty about the term of its occupation, with the rent paid factoring in an initial premium paid to reflect the term of the agreement. This figure was stated by the appellant not to be reflective of what a hypothetical tenant would pay for the subject property at the AVD, and the 2017 Rating List challenge rental schedule did not provide any information about later rent agreements or reviews relating to these comparable properties. When questioned about this, the respondent's representative stated that no evidence had been exchanged between the parties about any other rental arrangements regarding these comparable properties.

25. The appellant's representative suggested that the rents for these other two properties were not pertinent to this 2023 Rating List appeal as they related to the 2017 Rating List challenge, with the rents too far removed from the AVD to be useful in this appeal. Reference to these rents by the VO was stated to assume that there had been no change to the rental market between the AVD's for the 2017 and 2023 Rating Lists, with the appellant adamant the values had changed, with the rental market completely different. Neither party had provided any evidence to illustrate the changed state of the market, albeit the appellant contended that the unadjusted rate applied to Building 52, agreed across multiple rating lists, including the 2023 Rating List, was the most comparable property to the subject property in

terms of age and refurbishment. The appellant's case stated the evidence in respect of this comparable property should be afforded primary weight in this appeal.

26. During verbal testimony it was established that two disparate and separate valuation schemes where created, with the valuation of properties on the site determined on the basis of which scheme was appropriate for each property. Scheme 616442 was stated as "*Modern, purpose-built offices and laboratories at Great Chesterford Park, designed and built to a high standard.*" Scheme 616035 was stated as "*Purpose-built offices and laboratories at Great Chesterford Science Park of a more basic design. This excludes the most modern buildings at The Science Village and excludes Buildings 200,400, & 900 etc*."

27. Information about properties, including other and the aforementioned comparable properties at the locality, which fell into both schemes was provided. This information provided details about the sizes, ages, dates of refurbishment, and unadjusted base rates, for each property. This showed that the subject property, built in 1988 was noticeably older than the other properties referred to in scheme 616442, built only two years after Building 52, which was in scheme 616035. The dates of refurbishment were stated to be from 2012 to 2022, with the subject property, Building 52, and the Robinson Building stated to have been refurbished in 2016, 2013, and 2015, respectively.

28. The information also showed that properties in scheme 616442 were not all assessed on a flat unadjusted base rate. The Robinson Building was substantially larger than the other properties in this scheme, which the panel was advised allowed for a range of values, with quantum being taken into account. Building 52 and Building 25, two of the three properties in scheme 616035, were shown to have different unadjusted base rates, however verbal confirmation was given at the hearing that the three properties in this scheme were all valued using an unadjusted base rate of £145/m^2, following the recent confirmation of this value in respect of Building 52.

29. The panel was mindful that Valuation Schemes are geographic or property-specific groupings used by the VO to determine the rateable value of non-domestic properties fairly and consistently for business rates, with properties having similar features, uses, and locations being grouped together to analyse local rental evidence.

30. With the panel aware of the information provided about properties in both schemes and the appellant asserting that Building 52 be attached most weight in this appeal on the basis that it was the most comparable property to the subject in terms of age and refurbishment, whilst the VO's evidence mentioned the Robinsons Building and Building 900, the panel reviewed the evidence to determine which scheme, with regard to its 2023 Rating List entry, was appropriate for the subject property.

31. Evidence, including photographs and letting particulars, in respect of the subject and comparable properties were submitted, as well as an extract from a journal dated 12 September 2016 about the refurbishment to the property occupied by the appellant. Based on the evidence the panel found that Building 52 was not a good property with which the subject property should be compared with. It was a distinguishable office, even though it was now stated to incorporate laboratories which were not present in its current assessment. The presence of laboratories did not preclude it being assessed on the basis that it fell within scheme 616035.

32. Whilst the unadjusted base rates in both schemes were markedly different, this was not the issue that the panel was required to consider. Furthermore, the focus was not simply age related, with the fact that the subject property had been in scheme 616442 since its first entry into a rating list as a property comprising modern offices and laboratories, despite being older than other properties within this scheme. At the AVD other properties, being more modern or benefitting from more recent refurbishments, externally appeared more aesthetically attractive than the subject property. This nevertheless did not show that the subject property no longer comprised modern purpose-built offices and laboratories, with no evidence produced to demonstrate this.

33. The panel accepted the limitations of the rental evidence, which with regard to properties considered as comparable to the subject property, was too remote from the AVD to attach any significant weight. Notwithstanding, the appellant had entered an agreement to pay rent over the term of the lease and based on the evidence available, the appellant did not persuade the panel that an unadjusted base rate of £145/m^2 was applicable, with such a reduction being at, or in excess of fifty per cent of the range of values for scheme 616442, between £290/m² and £360/m².

Conclusion

34. In view of the above findings and conclusions, with the panel in this appeal placing a higher evidential burden on the appellant to show the current assessment was inaccurate, found this burden had not been discharged and consequently dismissed the appeals.

Right of further appeal

35. 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.

36. 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 C Busst, Senior Member (Chair)
Mr M Miah, Senior Member
Mr K Higgins, Senior Member
20 May 2026

Mr R Patel
Clerk to the Tribunal
Date issued to the parties: 20 May 2026