

TRIBIWNLYS PRISIO CYMRU - VALUATION TRIBUNAL FOR WALES

Appellant: Mr Charles Raw-Rees

Appeal property: 1, Chalybeate Street, Aberystwyth, SY23 1HS

Appeal number: 682030569569/541NV17/4

The Matter Appealed against: Non-Domestic Rating List Appeal

Date of Hearing: 10th May 2022

Appearances: Mrs Crane-Davies on behalf of the Valuation Office Agency & Mr Charles Raw-Rees (Appellant)

Date of Decision: 8th June 2022

Decision of Tribunal: Dismissed

Members of the Tribunal: Mr D R Prytherch (Chairperson), Mr L H Robinson, Mr A T Guinn

Tribunal Clerk: Miss Eluned Thomas

Introduction

1. The appeal under consideration followed a proposal made by Mr Charles Raw-Rees on 22 February 2018 which sought to alter an entry in the Non-Domestic Rating List in line with paragraph 2(1) Schedule 6 of the Local Government Finance Act 1988 and the Rating List (Valuation Date) (Wales) Order 2014 (SI 2014/1370 W139). The proposal sought a reduction in the appeal property's existing rateable value (RV) of £15,000 to £11,500 with effect from the 1 April 2017. In making the proposal Mr Raw-Rees referred to the following grounds :-

The rateable value altered to £11,5000 with effect from 1 April 2017 as the rateable value in the rating list was/is inaccurate. This is only small sector in town of Aberystwyth which has seen an increase in the rateable value all other streets have been decreased on average by 22 %. It is not in line with the overall tone of the list.

2. This is not intended to be an exhaustive record of the proceedings, but the parties can be assured that all the evidence presented was fully considered by the Tribunal before it came to its decision. Consequently, the absence of a reference to any statement, or evidence, should not be construed as having been overlooked.

Summary of the case

3. Providing a background to the appeal the Valuation Office, Mrs Crane – Davies explained that the appeal property is a mid-terraced property situated on a connecting road between Great Darkgate Street and Alexandra Road in Aberystwyth. The hereditament comprised of retail space on the ground floor, with storage within the basement, office accommodation on the first floor and

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further storage space on the second floor. Mrs Crane – Davies / Mr Raw - Rees informed the Tribunal that the property also benefitted from a 7.5% allowance for shape/layout with effect from 1 April 2017. However, the property has subsequently been reconstituted into 2 hereditaments with an effective date of 1 March 2019.

4. Mrs Crane – Davies stated that she had not inspect the property and explained that as the property is owner occupied, there was no rental evidence available for consideration. With reference to the principles established in Lotus & Delta, the Valuation Officer explained that for the subject appeal, the most compelling evidence were the rents on comparable properties.
5. The Tribunal understood from the Appellant that the primary issue under contention concerned their belief that their property at 1 Chalybeate Street, Aberystwyth and other properties on the street had an increase of 5% in Rateable Value whilst other streets in the town centre have dropped by an average of 22%. Mr Raw - Rees contended that the rise in tone on Chalybeate Street was due to a special tenant on the parade that tenanted 4 properties for ease of management.
6. In support of his contentions, Mr Raw-Rees provided the Tribunal with a list of the properties within Aberystwyth that had seen a reduction in their RV for example, Lower Section Chalybeate Street (M&S side) which had seen a reduction of 10-25%, Tesco Express had seen a reduction of 23%, Pier Street had seen a reduction of 25% and both Market Street and Eastgate Street had seen a reduction of 35% since 2010. In view of this, Mr Raw-Rees sought a reduction in the underlying value of £425/m² to £250/m².
7. In support her contentions that the appeal hereditament's rateable value was not excessive, Mrs Crane-Davies provided the following comparable properties within same proximity which were all valued at £425/m².
 - 2, Chalybeate Street, Aberystwyth – 92.70m²
 - Gnd Fl 5, Chalybeate Street, Aberystwyth 37.29m²
 - 10, Chalybeate Street, Aberystwyth 82.90m²
 - 15, Chalybeate Street, Aberyswyth 45.00m²

Mrs Crane - Davies, explained that most weight was placed on 7 Chalybeate Street, Aberystwyth as the property was adjacent to the subject property, and was also a new letting that commenced 9 months prior to the Antecedent Valuation Date, and the adjusted rent for this property values to £441 pm² against the tone of £425pm².

8. Mrs Davies stated that the basket of evidence, namely the tonal evidence which are all within close proximity to the appeal property and the rental

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evidence, which was relatively close to AVD, supported that the RV for the subject property of £15,000 was correct.

Decisions and Reasons

9. Having considered all the evidence placed before it the Tribunal decided as follows: -
10. The appeal 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 let from year to year on a number of assumptions, as set out in paragraph 2(1) of Schedule 6 to the Local Government Finance Act 1988 (The Act). Schedule 6(2) (7) sets out a list of factors that must be taken into consideration on the Material Day. For the purpose of this appeal the Material Day was 1st April 2017. The date of the hypothetical rent was 1st April 2015 (antecedent valuation date or AVD).
11. The Tribunal agreed that the onus of proof was on the appellant to provide evidence to disprove Mrs Davies' contentions and satisfy them that the RV on the subject property should be reduced. Mrs Davies' rental evidence and overall tone of Chalybeate Street proved that the valuation of £15,000 was reasonable.
12. From the admitted facts, the tribunal was not persuaded that the appellant had provided it with evidence of sufficient quality to suggest that the underlying level of value for the appeal property adopted by the VO was excessive. Furthermore, the Tribunal accepted that the VO's adopted value of £425pm² was in line with other units situated nearby.
13. In view of the foregoing, the Tribunal dismissed the appeal.