

## TRIBIWNLYS PRISIO CYMRU - VALUATION TRIBUNAL FOR WALES

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| <b>Appeal Number:</b>           | 6815MCHG765/285NV23/2                                                              |
| <b>Appellant:</b>               | Mr Jason Ferris                                                                    |
| <b>Appeal Property:</b>         | GND FLR Ferris Coaches, Cardiff Road,<br>Nantgarw, Cardiff CF15 7SR                |
| <b>Matter Appealed Against:</b> | 2023 Non-Domestic Rating List                                                      |
| <b>Hearing Date:</b>            | 15 April 2026                                                                      |
| <b>Appearances:</b>             | Mr J Ferris (Appellant)<br>Mr K McAloon on behalf of the Valuation Officer<br>(VO) |
| <b>Decision and its date:</b>   | Appeal allowed in part – 20 May 2026                                               |
| <b>Tribunal Members:</b>        | Mrs L M Thomas (Chairperson)<br>Mr M J Dugdale<br>Mr J Pyrke                       |
| <b>Tribunal Clerks:</b>         | Mr S Kember, Miss P Reynish and Mr M Keylock                                       |

### Introduction - Issues in Dispute

1. A Challenge was proposed by the appellant against the appeal property's Rateable Value (RV) of £30,750 in the 2023 Non-Domestic Rates Valuation List. During the challenge, the assessment was adjusted to £25,000 RV and then reduced to RV £21,750, with an unadjusted rate price (UAR) of £43.50/m<sup>2</sup> effective from 1 April 2023. The ratepayer challenged this decision and sought a RV £14,500.
2. The following was a summary of the cases presented and was not intended to be an exhaustive record of the proceedings. However, the parties can be assured that all evidence, both written and oral, was fully considered by the Tribunal when it arrived at its decision. Consequently, the absence of reference to any statement, or evidence, should not be construed as being overlooked.

### Legislation and Case

- Local Government Finance Act 1988 - *the 1988 Act*
- Schedule 6(2)(1) of the 1988 Act – *definition of rateable value*
- The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023
- The Rating Lists (Valuation Date) (Wales) Order
- Lotus and Delta v Culverwell (VO) & Leicester City Council (1976) – *weight of evidence*
- Vines Ltd v de Mauny (VO)

3. The VO reported that following the agreed facts at Challenge stage, the issue that remained outstanding was the unit value price £/m<sup>2</sup> (UAR) for the appeal property.
4. The appeal property was described as a purpose-built workshop, it had a steel portal frame with metal cladding, an eaves height of 6 metres and was constructed in 1998. It had a total area of 454.07m<sup>2</sup> with land attached and was found approximately 2 miles from the A470 which he said offered good transport links to Cardiff and the wider motorway network.
5. Turning to his comparable rental evidence, the VO referenced four properties at Fairfield Business Park, Gwaelod Y Garth, CF15 8LA, approximately 2.7 miles south of the appeal property and said to be comparable in terms of age and size to the subject property.
  - Unit 1 – RV £20,750 (total area 346.47m<sup>2</sup>) UAR £65.00/m<sup>2</sup>  
Effective date of Rent, 1 June 2022 - £29,227.50 (Adjusted Rent £27,767)  
Rent Reviewed June 2022, 5 years into a 10-year lease.
  - Unit 3 – RV £28,750 (total area 459.83m<sup>2</sup>) UAR £62.50/m<sup>2</sup>  
Effective date of Rent, 1 July 2019 - £32,000 (Adjusted Rent £29,036)  
New letting FRI basis tenant option to break in year 3 – adjusted to break.
  - Unit 5 – RV £28,250 (total area 596.45m<sup>2</sup>) UAR £50.00/m<sup>2</sup>  
Effective date of Rent, 1 May 2019 - £28,500 (Adjusted Rent £27,075)
  - Unit 7 – RV £29,750 (total area 618.2m<sup>2</sup>) UAR £52.57/m<sup>2</sup>  
Effective date of Rent £18,250 (Adjusted Rent £28,894)  
Adjusted for stepped rent.
6. The VO explained that these properties benefited from a better location on a well-established industrial estate while the appeal property did not. As such, an allowance of approximately 30% had been given to the UAR for the appeal property.
7. In terms of available rents, the VO said that he placed medium to low weight to the rent for Unit 1, as a rent review was carried out in June 2022. In addition, the property was smaller than the appeal property. He explained that as Unit 5 and Unit 7 were both larger than the appeal property, an allowance for quantum had been used to analyse the rents due to their size.
8. For Unit 3, he considered this to be the closest comparable in terms of size and age. He explained the headline rent of £32,000 and a unit price of £62.50/m<sup>2</sup> for this unit, reflected that an allowance of approximately 30% had been adjusted to the appeal property's UAR.
9. The VO referred to an added comparable, Unit C8/2, Treforest Industrial Estate, Pontypridd, CF37 5TF, with a total area of 446.45m<sup>2</sup>. This property was found on an established industrial estate approximately 2.4 miles north of the appeal property. He explained that this case was settled following negotiations between the VO and a professional Rating Agent, where a UAR of £68.00/m<sup>2</sup> had been

agreed. The VO said this settlement also supported his opinion that the proposed UAR for the appeal property was reasonable.

10. The VO considered the comparables brought by the appellant, which neighboured the appeal property:

- Springfield Self Storage - RV £25,000 (£25.00/m<sup>2</sup>) (total area 1320.90m<sup>2</sup>)
- Unit 1 -2 Ryan Buildings – RV £17,000 (£30.14/m<sup>2</sup>) (total area 530.77m<sup>2</sup>)
- Unit 3 Ryan Buildings – RV £15,750 (£31.62/m<sup>2</sup>) (total area 505.95m<sup>2</sup>)
- Nantgarw Garage – RV £18,500 (£25.00/m<sup>2</sup>) (total area 501.80m<sup>2</sup>)

11. He contended that Springfield Self Storage was three times larger than the appeal property, was of mixed construction and was built in the 1960s. He said that the basic price of £25/m<sup>2</sup> included an end allowance of 20% due to modernisation, which took the UAR to £30/m<sup>2</sup>. He argued that the appeal property's UAR at £43.50/m<sup>2</sup> was reasonable by comparison, as an allowance for quantum had also been applied to the larger neighbouring property.

12. With regard to Units 1-2 Ryan Buildings, constructed in the 1960s, and Nantgarw Garage, a 1920s building, the VO explained that the assessments reflected the age and obsolescence experienced by those buildings.

13. The VO confirmed he inspected the appeal property in March 2026, and following a comparison with land at the neighbouring Nantgarw Garage, he accepted that a further adjustment was needed. This resulted in the RV being reduced to £21,750.

14. The VO submitted that, in his opinion, the appeal property's RV of £21,750 was supported by the evidence and that the UAR of £43.50/m<sup>2</sup> was reasonable.

15. The Tribunal sought clarification from the VO regarding the different analysis between the rents of Unit 3 and Unit 5 Fairfield Business Park, which appeared to be equivalent properties. The VO explained the rents showed anything below 500m<sup>2</sup> analysed at around £63.00/m<sup>2</sup> while larger units above 500m<sup>2</sup> analysed lower due to their size. He explained that unit values followed this pattern.

16. In support of his case, the appellant provided photographs of comparable properties, a written submission, and an oral presentation.

17. He contended that whilst the comparable properties were built in the 60s or 70s, they had all been modernised with steel cladding, as shown in the photographs. In reference to Units 1-2 Ryan Buildings, he said the units would not have been built with steel cladding originally.

18. In relation to a comparable owned by the appellant, Warehouse 21 JR Business Centre, CF37 5UR (RV £20,000) with a quoted area of 419.32m<sup>2</sup>, the appellant explained that the unit was built in the 1950s and had a higher base rate than the appeal property at £49.00/m<sup>2</sup>. The appellant felt there was no set criteria and stated that the VOA "*...just decide on what they want, when they want it...*"

19. In reference to his comparable evidence, he said that Units 1-2 Ryan Buildings and Unit 3 Ryan Buildings were comparable to the appeal property in terms of size and were valued at approximately £30.00/m<sup>2</sup>.

20. The appellant said that whilst there may be 20-30 years difference between those properties and the appeal property, he contended that Unit 3 had been

modernised with steel cladding and was of similar construction. He argued that the same base rate should be applied to the appeal property.

21. The VO asked whether the location of Warehouse 21 JR Business Centre was superior. The appellant said that he disagreed with the VO on that point. He stated he was the owner of Warehouse 21 JR Business Centre and due to its status as a listed building, coupled with an estate service charge of £18,000 payable by the landlord, he felt that unit was also overpriced. He explained as a listed building there were no rates payable by him when it was empty and said an appeal against the RV would be a concern for the occupying tenant.
22. The appellant clarified that he had brought Warehouse 21 JR Business Centre as a comparable to show that the age of a unit was immaterial. He argued that it was not possible for the VO to consider accepting a base rate of £49.00/m<sup>2</sup> on this particular unit and to not make a decision between neighbouring units with base rates of between £31.00 and £43.00 was not in keeping for the appeal property.
23. In summary, the VO argued that whilst a unit may appear similar, differences in age, obsolescence, location, and size was relevant. He contended that in the absence of a perfect rent next to the subject property, rents had been drawn from further afield and worked backwards from there. He considered the value arrived at was reasonable and having considered the nuances of the buildings within the locality, the base rate for the appeal property had been adjusted accordingly, supported by the evidence presented.
24. The VO asked the Tribunal to confirm the RV for the appeal property as £21,750 effective from 1 April 2023.
25. The appellant contended that he only sought fairness on the valuation. He argued that Unit 3 Ryan Buildings was of similar size and construction as the appeal property. Whilst he accepted it was an older unit, he said it had been modernised and sought a base rate of £31.62/m<sup>2</sup> for the appeal property.
26. The Clerk clarified with the appellant with regard to the base rate contended for during the hearing and the RV £14,500 sought in the grounds of the proposal. The appellant said that due to changes over time he initially worked on the basis of £25/m<sup>2</sup> in relation to the neighbouring self-storage unit, which he said was larger. The appellant said he would accept £31.62/m<sup>2</sup> based on the same size unit found 400 metres from the appeal property.

## Decision and Reasons

27. In arriving at its decision, the Tribunal had regard to legislation contained within Schedule 6 of The Local Government Finance Act 1988, which requires the hereditament to be valued by reference to values as at the Antecedent Valuation Date (AVD) of 1 April 2021, having regard to the physical circumstances at the Material Day of 1 April 2023.
28. The Tribunal was mindful that the best evidence available would be that of an open market value rent passing on the appeal hereditament as at the 1 April 2021.
29. In accordance with the principles outlined in *Lotus and Delta v Culverwell (VO) & Leicester City Council*, the passing rent on the appeal hereditament should

ordinarily serve as the starting point for determining the rateable value. In the absence of such a rent, rents of similar properties or assessments of other comparable properties are also relevant.

30. As there was no rent passing on the appeal property due to it being owner-occupied, the Tribunal considered the rental evidence available to it.
31. Unit 3 Fairfield Business Park has been said to be the most comparable in terms of its age and size, the effective date for the rent passing on this unit was 1 July 2019, two years prior to the AVD. Similarly, the rent passing on Unit 5 was effective from 1 May 2019 with Unit 7 having a stepped rent effective from 1 September 2020.
32. Having considered the rental evidence, the Tribunal noted that most rents were too far removed, either before or after, the AVD to carry significant weight.
33. In turning to the settled case, Unit C8/2, Treforest Industrial Estate, the Tribunal accepted that the UAR for this unit had been confirmed following negotiations and acknowledged the agreed UAR for this unit was £68.00/m<sup>2</sup>. Having regard to its construction, the photograph had shown it to be of brick construction, as opposed to the steel and cladding construction of the appeal property. The Tribunal therefore was unable to place sufficient weight on the evidence on this basis.
34. Having considered the above, and in considering the decision made in *Lotus and Delta v Culverwell*, the Tribunal gave regard to the units in the immediate locality of the appeal property. The Tribunal noted these units varied in terms of their age, size, and construction, with many units being adapted and modernised over time.
35. Whilst all evidence is admissible, the Tribunal was aware case law had established it was for the appellant to demonstrate that the appeal property's existing assessment was incorrect and not for the Valuation Officer to prove otherwise. However, it was also aware the Valuation Officer was required to provide comprehensive, impartial evidence to achieve a correct assessment.
36. The Tribunal carefully analysed the neighbouring units and noted the appellant considered Unit 3 Ryan Buildings as the most comparable to the appeal property in terms of its size being approximately 50m<sup>2</sup> larger, however it was 30 years older than the appeal property. The Tribunal acknowledged that an allowance had been applied to its value to reflect obsolescence and its size.
37. Having considered the neighbouring assessments, together with the size, age, and modernity of the units, the Tribunal concluded that the Valuation Officer's adopted UAR of £43.50/m<sup>2</sup> was fair and reasonable for the appeal property and was not persuaded taking into account all of the evidence that a reduction to £31.62/m<sup>2</sup> was appropriate.
38. Due to the foregoing, the Tribunal confirmed the assessment of the appeal property at RV £21,750 in the 2023 Rating List effective from 1 April 2023. Accordingly, the appeal was allowed in part.