TRIBIWNLYS PRISIO CYMRU - VALUATION TRIBUNAL FOR WALES

0Appeal Number: 6815101262308/285NV23

Appellant: Ryan UK Property Tax for Cardiff Galvanizers (1969) Limited

Appeal Property: Factory and Premises, Cardiff Galvanizers, Cambria House, East Moors Road, Cardiff, CF24 5EG

Matter Appealed Against: 2023 Non-Domestic Rating List

Hearing Date: 6 October 2026

Appearances: Mr Kyle McAloon representing the Valuation Officer (VO)

Decision and its date: Appeal dismissed – 2 November 2026

Tribunal Members: Mr K Curry, Mr R Harries and Mr G Nechvatal

Tribunal Clerk: Mr R Williams

Introduction - Issues in Dispute

1. The subject appeal submitted by the appellant challenged the appeal property's entry in the 2023 Non-Domestic Rating List at Rateable Value (RV) £115,000, effective from 7 March 2024.

2. The appellant did not attend the hearing and in absence, the Tribunal Members were provided with correspondence contained in the appellant's challenge to the VO against the appeal property's entry in the 2023 Rating List.

3. The following is a summary of the cases presented and is not intended to be an exhaustive record of the proceedings. However, the parties can be assured that all the evidence 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 Law

- The Local Government Finance Act 1988
- The Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023

- Lotus and Delta v Culverwell (VO) & Leicester City Council [1976]
- Martyn Lamb (Valuation Officer) v Go Outdoors Ltd [2015]
- Flight Centre (UK) Ltd v A Ricketts (Valuation Officer) [2021]

Evidence and Submissions

4. The appellant contended that the unadjusted rate applied to the older part of the appeal property did not reflect market conditions as Antecedent Valuation Date (AVD) 1 April 2021. The modern elements of the appeal property were not in dispute.

5. The appellant submitted that the appeal property's unadjusted rate had increased between the 2017 and 2023 Rating Lists from £16.86/m² to £22.00/m² and argued that the removal of the 5% allowance for poor insulation resulted in an even greater increase in real terms.

6. The appellant argued that, as one of the largest owner-occupied units in the scheme, there was limited evidence available to support the VO's valuation. In the absence of direct rental evidence passing on the appeal property, the appellant relied on comparable assessments, in line with the evidential hierarchy established in *Lotus and Delta Limited v Culverwell (VO) and Leicester City Council* and contended that these supported a lower tone of value.

7. The appellant referred to comparable properties, in particular Big Padlock Self Storage (BPSS) and Cyrus Engineering (CE), which were of a similar size and showed lower increases in value between Rating Lists. BPSS was significantly newer in comparison to the appeal property, yet was assessed at a lower rate, which the appellant considered inconsistent. The appellant also noted that the VO had accepted that BPSS was under-assessed and required review.

8. The appellant also relied on CE, a newer property, of better quality and unaffected by poor insulation, yet only showing a 5% increase between Rating Lists. It was argued that such a property would be expected to attract a higher valuation than the appeal property.

9. The appellant questioned why the VO relied on comparables assessed at £21.00/m² to £26.00/m² while discounting lower-rated comparables, particularly as no rental evidence was available for properties of a similar size, age and type.

10. The appellant argued that the appeal property, despite being older, poorer in quality and uninsulated, had increased in value by 37% between the Rating Lists, compared with increases of 5% to 25% for comparable properties. The appellant maintained that the VO had not provided sufficient evidence to justify such an increase.

11. The appellant concluded that having regard to the appeal property's age, condition and lack of insulation, an unadjusted rate of £18.00/m², producing a Rateable Value of £103,000, was fair and reasonable.

12. The VO submitted that the appellant's case was based primarily on movements in value between the 2017 and 2023 Rating Lists rather than on primary valuation evidence.

13. In support of its argument, the VO cited the High Court cases in respect of *Martyn Lamb (VO) v Go Outdoors Ltd* and *Flight Centre (UK) Ltd v A Ricketts (VO)* and contended that those cases supported his contention that changes between Rating Lists were of limited evidential value and that greater weight should be attached to rental, settlement and assessment evidence.

14. The VO explained that the appeal property comprised approximately 5,000m² of industrial accommodation dating from the 1930s/1940s and was valued at an unadjusted rate of £22.00/m². As there was no direct rental evidence for a property of similar size and age, he relied on rental evidence from smaller properties of a similar age, which he considered demonstrated that the overall level of value adopted for the scheme was reasonable.

15. The VO referred to comparable properties originally produced by the appellant and noted that one property relied upon by the appellant, BPSS, had subsequently been corrected following review, increasing from £17.50/m² to £37.50/m². Excluding that property, it was submitted that the remaining comparables showed a consistent range of £22.50/m² to £27.50/m², which was contended supported the assessment of the appeal property.

16. The VO also highlighted that the appellant had identified Eurobonds Laminates in support of a proposed reduction. However, the assessment of that property included a 20% to reflect a quality uplift for refurbishment, which actually gave that property's assessment a base rate of £30.00/m², and not the lower unit rate suggested by the appellant.

17. As a further check, the VO referred to several larger industrial properties of similar age, which were assessed between £21.00/m² and £26.00/m², assessment evidence which was considered consistent with the adoption of £22.00/m² for the appeal property.

18. The VO concluded that comparing changes in value between Rating Lists was not a recognised valuation method, and that the rental, settlement and assessment evidence produced by the VO supported a rate of £22.00/m², reflecting a RV of £115,000 effective from 7 March 2024.

Decision and Reason

19. The Tribunal was required to determine whether a reduction in the unadjusted rate price was applicable to the appeal property.

20. In arriving at its decision, the Tribunal had regard to legislation contained within Schedule 6 of The Local Government Finance Act 1988, which required the appeal property to be valued by reference to values as at the Antecedent Valuation Date of 1 April 2021, whilst having regard to its physical circumstances at the Material Day, the day that parts of the appeal property were discovered to have been omitted from the assessment following a survey i.e. 7 March 2024.

21. In accordance with principles outlined in *Lotus and Delta v Culverwell (VO) & Leicester City Council,* the Tribunal was mindful that the best evidence

available was that of rental evidence passing on the appeal property, which should be taken as a starting point for determining Rateable Value.

22. However, in the subject appeal, there was no passing rent on the appeal hereditament and therefore in accordance with the Culverwell case, it directs that comparison with similar properties as a valid method of valuation.

23. The Tribunal also had regard to the decisions in respect of *Martyn Lamb (VO) v Go Outdoors Ltd* and *Flight Centre (UK) Ltd v A Ricketts (VO)*, which emphasised that Rateable Value should be determined principally by reference to rental and comparable valuation evidence rather than by comparing changes in value between Rating Lists.

24. Whilst comparisons between Rating Lists were not irrelevant, the Tribunal recognised that the Upper Tribunal had generally treated such comparisons as secondary to direct valuation evidence.

25. The Tribunal was also aware that it was for the appellant to demonstrate that the appeal hereditament's existing assessment was incorrect and not for the Valuation Officer to prove that it was right. However, it was also conscious the Valuation Officer was required to provide comprehensive, impartial evidence to achieve a correct assessment and not just simply to win a rating appeal.

26. Having considered all the evidence before it, the Tribunal concluded that a Rateable Value of £115,000 with effect from 7 March 2024 was fair and reasonable. The Tribunal found that following the correction and increase of the appellant's comparable assessment of The Big Padlock Self Storage, the unit rate applied to the appeal property was not unreasonable.

27. Whilst acknowledging that the appeal property was larger than most properties within the valuation scheme, the Tribunal also considered assessments applied to comparable properties of a similar age and size, including those exceeding 5,000m².

28. The evidence showed that comparable properties of a similar age, although generally larger, were assessed at rates ranging from £21.00/m² to £26.00/m². Therefore, having regard to the comparable evidence as a whole, the Tribunal was satisfied that an unadjusted unit rate of £22.00/m² adopted for the older parts of the appeal property was appropriate.

29. Accordingly, the Tribunal was persuaded by the Valuation Officer's evidence that the appeal property's assessment of £115,000 Rateable Value, reflecting an unadjusted unit rate of £22.00/m², with effect from 7 March 2024, was fair and reasonable. The appeal was therefore dismissed.