

TRIBIWNLYS PRISIO CYMRU - VALUATION TRIBUNAL FOR WALES

Appellant: Mrs S & Mr L Salamone

Appellant's Address: Unit 7, Stephen Gray Road, Bromfield Industrial Estate, Mold CH7 1JR

Appeal number: 683530630749/192NV17

The Matter Appealed against: 2017 Rating List

Date of Hearing: Friday 16th November 2018

Appearances: Mrs N Thomas (VO)

Date of Decision: 22/01/19

Decision of Tribunal: Appeal Dismissed

Members of the Tribunal: Mr P O Williams (Chair)
Mr M J Dugdale
Mr H M McEvoy

Tribunal Clerk: Mrs Ll ap Glyn

The appellant ratepayers, Mr and Mrs Salamore, served a proposal on the respondent Valuation Officer in respect of Unit 7, Stephen Gray Road, Bromfield in which they sought an alteration to the entry in the Rating List.

The alteration they proposed was a reduction to Rateable Value £28,594

Whilst Mrs N Thomas attended the hearing on the respondent's behalf, the appellants asked that their case be dealt with by way of a written submission. This submission was read out by the clerk to the Tribunal.

This document does not intend to be an exhaustive record of the proceedings, but the parties can be assured that the Tribunal fully considered all of the evidence before it arrived at its decision. Consequently, the absence of reference to any statement, or evidence in this record should not be construed as being over looked.

Summary of the Case

The appellant's case comprised the following statement -

*"We have not had an inspection nor have we had the opportunity to advise on why we believe the rates to be incorrect.
We do not have members of the public on site, no-one but staff can use the facilities – 2x toilets & 1 kitchen.
All other space is used for storing stock."*

In her evidence, Mrs N Thomas explained that she believed the current Rateable Value of £30,250 to be correct. She explained that the price per square metre was comparable to other properties in the locality. She pointed out that although the appellant may be using certain areas of the property as storage, the property remained in the nature of a warehouse. She explained that she had a duty to consider the position of a hypothetical tenant in rating the property, regardless of how the appellant used the space available.

Reason for Decision

Having considered all of the evidence placed before it, the Tribunal decided as follows –

In cases of this nature case law had established that the burden of proof rested with the appellant and not the Valuation Officer by virtue of his statutory duty to prepare and alter the Rating List.

Although the Tribunal had been provided with a written submission of the appellant's case, it did not believe that the appellants had provided any hard evidence that justified a reduction in the property's Rateable Value.

The Tribunal therefore dismissed the appeal.

Certified a true copy on 22nd January 2019