

Appellant: Mr A Davies

Appellant's Address: Car Auction and Premises, Merthyr Motor Auctions, Pant Road, Dowlais, Merthyr Tydfil, CF48 3FH

The Matter Appealed against: 2017 Compiled Non-Domestic Rating List entry

Date of Hearing: 29 March 2018

Appearances: Mrs A Ginn of Herbert R Thomas representing Mr A Davies (Appellant) and Mr N Daley for the Valuation Office Agency

Date of Decision: 8 May 2018

Decision of Tribunal: Appeal Allowed

Members of the Tribunal: Mr K Curry (Chair) Mr S Hennah and Mr A J Park

Tribunal Clerk: Mr R Williams

Introduction: The subject proposal is an appeal made on the 15 May 2017 challenging the Compiled List entry of the appeal hereditament in the 2017 Non-Domestic Rating List at £104,000 Rateable Value (RV) with effect from the 1 April 2017.

The grounds of appeal as contained in the subject proposal were detailed as follows:

"The RV altered to £32,134 with effect from 01/04/2017.

The RV was inaccurate when the property was revalued in April 2017.

The RV has increased by 335%! A large proportion of the auction yard has planning restrictions. The whole site is blighted due to imminent A465 Road Improvement Scheme that will make business impossible. 'Hard Surface Fenced Land' in better location of Swansea £1.50 sq mtr and not £10 sq mtr."

At the commencement of the Hearing it was established that it was the 2017 Compiled Rating List appeal against the appeal hereditament's assessment of £104,000 RV that was for the Tribunal's consideration and not the increased assessment of £125,000 RV with effect from 4 January 2018, as a result of a VO's Notice of Alteration.

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.

A Summary of the Appellant's Evidence

Mrs Ginn provided the Tribunal with copies of her presentation and having introduced herself and informed the Tribunal of her experience she spoke to her prepared statement.

She reported that the appeal hereditament's Compiled List entry in the 2017 Rating List was £104,000 RV and following a VO's Notice, the subject property's assessment was increased to £125,000 RV with effect from the 4 January 2018.

The appellant emphasised that between the life of the 2010 and 2017 Rating Lists the appeal hereditament's assessment had increased by some 300%, in particular the value applied to the land used as part of the site has increased significantly from £1/m² to £10/m².

Mrs Ginn referred to the definition of RV as contained in Paragraph 2(1) of the Local Government Finance Act 1988, as amended, and explained that RV is broadly defined as the amount equal to the rent at which it is estimated the hereditament might reasonably be expected to let from year to year assuming:

- a) The tenancy begins on the day by which the reference to which the determination is to be made;
- b) Immediately before the tenancy the hereditament is in a state of reasonable repair, but excluding from the assumption any repairs which a reasonable landlord would consider uneconomic;
- c) The tenant pays all rates and taxes and bears the cost of repairs and other expenses that are necessary to keep the hereditament in a state to command the rent.

For the 2017 Rating List, the Valuation Date is the 1 April, 2015.

Summarising she explained the RV is the hypothetical reasonable rental value as at 1 April 2015, assuming a fair and reasonable tenant, a fair and reasonable landlord and a property that is in a reasonable state of repair with the tenant responsible for all outgoings.

Accordingly the Tribunal had to consider what the hypothetical reasonable rental value of the appeal hereditament would have been as at 1 April 2015.

Mrs Ginn informed the Tribunal that the appeal hereditament is located on the Pant Road, Dowlais, approximately one mile from Merthyr Tydfil Town Centre and is accessible from the main A465 and A470 arterial roads. However once you have left the main arterial roads, access to the subject property is poor via narrow residential streets with on street parking. She added that Merthyr Tydfil and the surrounding A465 corridor is one of the worst economically deprived areas in the UK.

She reported that the appeal hereditament comprises a yard and buildings within a secure steel palisade fence. The A465 dual carriageway over sails the site with two pairs of supporting pillars on the ground, which has the visual effect of splitting the site. The lower part of the site narrows to about one quarter of the width of the main site.

The main building comprises the auction hall, cafeteria, offices and ancillary space along with a toilet block and two valeting bays. The buildings are steel framed buildings with elevations clad in colour profile steel sheets which are typical of buildings found on industrial estates in the location. The yard and buildings, which are not purpose built, are well maintained and in good condition.

She explained that part of the yard is subject to planning restrictions which restricts its use ancillary to the auction business and the hours of operation of the lower yard. The permission granted by the inspector is dictated as follows:

'I hereby grant planning permission for the development already carried out, namely use of the land shown edged and hatched on the plan annexed to this letter and the building shown on the plan for the storage, parking and valeting of vehicles associated with the adjacent car auction premises:

Condition (e) states, 'No activity shall take place on the site before 0800 hours or after 1830 hours on weekdays or Saturdays, nor at any time on public holidays or Sundays, the sole exception being in the event of a transporter arriving while the auction activities are being undertaken in the upper yard, such transporters shall be permitted to enter the lower yard for the purposes of parking only. In 2009 an application was made to remove the condition, and this was refused.'

The appellant then challenged the VO's approach to valuing the appeal hereditament. She explained that throughout the UK, the VO has adopted the same rate for land used as part of auction sites at £10/m² for surfaced land and £5/m² for unsurfaced land before any discounts for planning or awkward shapes. Regardless of location, the VO has made no adjustment to reflect car auction land at affluent well-located areas in England in comparison to the same poorly located and deprived areas and rural parts of the country.

Mrs Ginn referred to the VO's schedule of evidence letter dated 8 March 2018 and two open market transactions:

1) SMA Birmingham, Bessemer Close, Bilson, WV14 0RZ

Form of Return confirms rent agreed in December 2009 however tenant's lease and rent did not commence until April 2011.

When first occupied in 2011, SMA Birmingham was a brand-new building and therefore it is reasonable to assume that the building was constructed after terms were agreed in December 2009, some 18 months prior to occupation and the start of the lease.

SMA Birmingham is a purpose-built building with access immediately off the A463 Black Country dual carriageway. The newspaper extract from 'Fleet News' confirms the high specification that the building has been constructed to.

The rent paid in 2011 was £475,000. From enquiries made of the VO on 26 March 2018 this rent was reviewed to £501,208 in April 2016, which would suggest this was a review based on the Retail Prices Index which is typical in design and build lettings.

Mrs Ginn opined that design and build lettings do not always reflect the open market rental value of the property as the rent paid is based upon land value, developers' costs of construction and developers' profit. In property, cost does not always equal value.

The 2017 Rateable Value of SMA Birmingham is £465,000 using a base value for the buildings of £37.50 per m² and £10 per m² for surfaced land.

Looking at the rating assessments of industrial buildings and land in the locality, the rate per m² of £37.50 is similar to the £38 applied for workshops (Sterling Textiles Ltd, Unit 12d, Withy Rd, Bilston WV14 0RX).

The value for rough surfaced fenced land in the locality varies from £6.00 to £7.20 and £8.00 as per the table below.

Unit 9, Withy Road, Bilston - 603.7 m² rough surfaced fenced land at £8.00 per m²

Cargo Carriers, Withy Road, Bilston - 1815.8 m² rough surfaced fenced land at £6.00 per m²

Unit 7a Withy Road, Bilson - 836 m² rough surfaced fenced land at £7.18 per m²

Unit 7b Withy Road, Bilson - 836 m² rough surfaced fenced land at £7.18 per m²

Unit 4, With Road, Bilson - 571.3 m² rough surfaced fenced land at £7.20 per m²

TJ & M Turner, Withy Road - 566.8 m² rough surfaced fenced land at £8.00 per m²

Having researched the RVs of industrial buildings and fenced land in the Wolverhampton locality, the rates applied to SMA Car Auction buildings and land reflects the locality.

2) Chelmsford Car Auctions, Drovers Way, Chelmsford, Essex, CM2 5PS

The Form of Return dated December 2008 states that there was a two year lease of the auction site from 1 April 2008 at a rent of £475,000 and that the property was then sold to the tenant's holding company in April 2009.

The Schedule of Evidence refers to a rent of £700,000 commencing on 1 April 2009 for an unknown term. In the absence of viewing the Form of Return, Mrs Ginn assumed it is a rent paid to the tenant holding company after purchasing the site.

The 2017 RV is £515,000 and the VO's website confirms the property was assessed in the 2010 Rating List from 10 December 2015.

The Chelmsford site is situated adjacent to the A138 dual carriageway with the A12 nearby. As with the SMA Birmingham site there is excellent road access.

Neighbouring units include McDonalds, Premier Inn, Royal Mail, an Aldi Distribution Centre and a number of motor retailers including BMW, Mercedes and Honda.

Looking at assessments in the area, the rate per m² for workshops is a minimum of £65 per square metre. Hard surfaced fenced land varies from £10 per m² to £20 per m² with the majority of assessments at £18 per m².

A selection are summarised in the table below:

Unit 1, Beehive Works, Chelmsford - 558.4 m² Hard surfaced fenced land at £18.00 per m²

Rear Of, 264 Baddow Road, Chelmsford - 778.5 m² Hard surfaced fenced land at £18.00 per m²

Rear Of, 138 Gloucester Avenue, Chelmsford - 138.8 m² Hard surfaced fenced land at £18.00 per m²

Springfield Depot, Chelmsford - 2000 m² Rough Surfaced fenced land at £7.00 per m² / 3350 m² Hard surfaced fenced land at £10.00 per m²

AC Spooner, Chelmsford - 35 m² Hard surfaced fenced land at £18.00 per m²

Land next to 51 Roman Road - 75.3 m² Hard surfaced fenced land at £18.00 per m²

The appellant then provided the Tribunal with details of her comparable assessments within the locality of Merthyr Motor Auctions.

Mrs Ginn explained that the main point of disagreement is the value of the land. She had looked at other assessments in the Merthyr locality which have yards and compounds within their assessment, also highlighting the fact that rates for the land values are the same as in the 2010 Rating List and that there has been no increase in value. She summarised as follows:

M & J Europe Ltd, Tafarnaubach Industrial Estate, Tredegar NP22 3AA
583 m² Hard surfaced fenced land at £2.50 per m² (same rate as in the 2010 list)

Unit 10, Pant Industrial Estate, Dowlais
1253 m² Hard surfaced fenced land at £2.50 per m² (same rate as in the 2010 list)

Unit 20, Merthyr Tydfil Industrial Estate
751 m² Hard surfaced fenced land at £2.50 per m² (same rate as in the 2010 list)

She then referred to rental evidence of fenced yards as follows:

Yard at Willow Works, Merthyr Tydfil - 0.47 ha. (1.17 acres), a letting agreed by Cooke & Arkwright for £10,000 per annum with effect from 7 April 2008, which devalues to £2.12 per m² to include the Portakabin. Abercanaid is better located than Merthyr Motor Auctions being closer to the A470 junction. She commented that whilst this deal is historic it does give a useful indication of value.

Land at North Road, Bridgend Industrial Estate, Bridgend - a one acre surfaced yard agreed at £26,000 per acre with effect from March 2015. Bridgend Industrial Estate is one of South Wales' prime industrial estates located on the M4 corridor and close to Junctions 35 & 36. £26,000 per acre equates to £6.42 per m²

The appellant reiterated to the Tribunal that the point of disagreement between herself and the VO is the rate per square metre that has been applied to the yard, both surfaced and unsurfaced areas.

The VO contended that his analysis of the two open market transactions passing at Bilston, Wolverhampton and Chelmsford support a rate of £10 per m² for the fenced surfaced area and that the rate is applicable to all yards of auction sites throughout the country with no adjustment for location.

Mrs Ginn considered the VO's approach to be completely flawed. She explained that Bilston and Chelmsford are in themselves very different locations; Chelmsford is located in the prosperous South East of England and Bilston in the densely populated West Midlands.

Her analysis of RV for Industrial premises and yards in the location of the Bilston Car Auction site showed rates for unsurfaced fenced yards in the region of £8, where analysis of Chelmsford shows that the VO rates for surfaced yards are in the order of £10 - £18 per m².

With regard to Merthyr Tydfil, the VO had applied rates for surfaced fenced yards at only £2.50 per m² as shown in the assessments she referred to previously. She commented that the level of land value in 2010 Rating List was the same showing that values did not increase at all in the locality. Bilston is clearly more valuable area than Merthyr and Chelmsford more so than Bilston.

When considering the actual letting of the 1.17 acres yard at Willow Works for £10,000, it devalues to £2.12 per m² including the Portakabin. Clearly the VO's approach in applying £10 per m² to the auction site in Merthyr Tydfil was flawed when values have not increased in over ten years.

She reminded the Tribunal that when arriving at a RV consideration must be given to what a prudent and willing tenant would pay. A prudent tenant would be aware of levels of rent for yards and buildings in the locality and would not be prepared to pay above that level.

One of the first lessons valuers are taught is 'location, location, location' which determines value and one value does not fit all locations. Car Auction Sites are not assessed on the basis of turnover as are licenced premises.

In arriving at her valuation, Mrs Ginn had endeavoured to meet many of the VO's points in that she accepts the areas and the rates applied to the buildings.

With regard to land areas and whilst she accepted the overall area she had broken the land down into the areas subject to planning restrictions and then surfaced and unsurfaced land.

In applying values to the land, she had taken into account the rates that the VO had utilised in other assessments in the locality at £2.50 despite the fact that the 2010 rates used for these assessments were identical showing no increase and the rate used for Merthyr Car Auctions in 2010 was assessed at £1 per m² on an overall basis, presumably reflecting the general inconvenience of the site on an overall basis.

For the areas subject to a planning restriction she had applied a 30% discount. The areas are ancillary and planning permission restricts use and the hours of operation.

The site is an awkward shape, narrow at one end and does not have good circulation. The presence of the pillars and the A465 detracts and appears to split the site. Furthermore, there are easements for maintenance, restrictions on use, drainage issues and problems with falling debris. As a consequence and to reflect all these factors, she had applied an end allowance of 20% with no discount for quantum.

In conclusion, Mrs Ginn summarised that when assessing the RV which is based on the hypothetical Rental Value, one must have regard to location. The sites at Wolverhampton and Chelmsford are better situated with direct access off the major road networks. They are closer to large areas of population and in less deprived areas. Merthyr Tydfil is one of the most deprived areas in the UK and it is incorrect to apply the same values as in Wolverhampton and Chelmsford.

In arriving at her valuation having regard to her knowledge of the area and her supporting evidence, she considered her valuation to be fair and reasonable and accordingly she requested that the Tribunal determine an assessment of £45,500 RV.

A Summary of VO's Evidence

Mr Daley informed the Tribunal that the salient issue to be considered in the subject appeal was the appropriate RV assigned to the subject property having regard to its mode and category of occupation as a car auction and not an industrial site, in particular the value attributed to the land.

He explained that the subject appeal was made in respect of the subject property's Compiled List entry in the 2017 Rating List at £104,000 RV. However following an inspection new buildings were identified and site areas were reviewed. As a consequence having regard to the changes and adopting the "national valuation approach", the VO raised a Notice increasing the subject property's assessment to £125,000 RV, effective from the 4 January 2018, reflecting the increased values to land and buildings.

The VO referred to the definition of RV as contained in Paragraph 2(1) of the Local Government Finance Act 1988, as amended, and to Paragraph 2(3-7) of Schedule 6 of the same Act regarding mode and category of occupation being a material factor in valuing for rating purposes.

Mr Daley also referred to The Rating Lists (Valuation Date)(Wales) Order 2014, SI No.2917 (W297) and explained that the Antecedent Valuation Date (AVD), the 1 April 2015, is specified as the day to which RV's of Non-Domestic hereditaments are to be determined for the purpose of local and central Non-Domestic Rating Lists, compiled for Wales on the 1 April 2017.

He then directed the Tribunal to Common Law cases which provide judicial precedent or case law with regard to Rating. He referred to the following:

- Mode & category of use - *R v Everist* [1847] – 10 QB 178 and *Williams (VO) v Scottish & Newcastle Retail Limited and another* [2001] Civ 185
- Not sacrifice accuracy for uniformity - *Ladies Hosiery and Underwear v Assessment Committee for WMA*, CA 26 & 27 1932
- Weight/Hierarchy of evidence – *Lotus and Delta v Culverwell (VO) & Leicester City Council* 1976] RA 141
- Burden of proof – *Vines Limited v De Mauny (VO)* 2010

The VO reported that the appeal hereditament is principally an auction hall constructed of block/ render and brick under a mostly asbestos roof with some external cladding. Other buildings including valet bays are constructed of block and render under PCM roofing.

Mr Daley also explained that the subject property is located under the A465, the Heads of the Valley Road, to north of Merthyr Tydfil and that the site is slightly burdened by the overflight of the main road along with planning restrictions to the lower part of the site relating to lighting and times of use. This part of the site also includes the valet bays which occupy land with a mixture of hard and gravel surfaces.

He informed the Tribunal that that the site is subject to two leases and without qualification, it is assumed that the land to the south of the site is included in the car parking lease. He added that at the AVD the main auction premises including some of the main yard was rented from the Mr & Mrs Weaver for the sum of £101,800 and the car parking areas were rented from Mr Davies & Mr Weaver, the directors of the company, for the sum of £53,200 per annum at a total sum of £155,000 per annum on a full repairing and insuring lease.

The VO clarified that as directors of the company, connected party rents are not as helpful as arms-length transactions however case law in respect of *Lotus and Delta v Culverwell (VO) & Leicester City Council* directs that the rent on the subject property is the starting point for determining RV.

Furthermore the rents passing between the directors of the company have been in the past disclosed to the VO as being open market value and have been used for computing relief from Corporation Tax therefore suggesting that the rent must be reasonable and similar to market value.

Accordingly and in trying to arrive at a value for the land, Mr Daley devalued the rent for the car parks over the two land areas outside the main lease. In arriving at a figure of £10/m² and in support of his contention, he directed the Tribunal to the schedule of rents and the analysis of rent passing at Chelmsford Car Auction. He elaborated that although Chelmsford Car Auction is assessed at £10/m² for the overall land area of 33,371m² devalues to £20/m² for surfaced land and £12/m² for rough land or at £14.62/m².

Whilst he agreed that land at Chelmsford Car Auction is more valuable than the land at Merthyr Motor Auctions, the value of land for this mode and category of hereditament are beyond values for industrial storage and as it facilitates the auction operation and is key to the volume of trade achievable by a site, which is a key requirement for this mode and category of occupation and different to storage land.

Referring to his valuation of £125,000 RV, the VO explained that he had adopted a rate of £40.50 for the auction hall and the usual relativities for all other parts of the property less 5% allowance for the impact of the overflight of the main road to arrive at a rate of £38.48.

With regard to the land value, he had applied a rate of £10/m² to hard surface and £5/m² to rough with an additional allowance of 60% to the land areas hindered by planning restrictions.

As a method of check and as a guide of accuracy to support his revised assessment of £125,000 RV, Mr Daley applied the alternative receipts and expenditure method of valuation.

Based on advice from a colleague he utilised the company accounts for 2015 without any deductions and then applied the rent of £155,000 back into the net profit of £313,610 to arrive at a divisible balance of £486,610. By then apportioning between the hypothetical landlord and the hypothetical tenant, applying a 70/30 split for risk and return on capital employment it produces a value of £140,583 RV.

In conclusion, Mr Daley summarised that the appeal hereditament's mode and category of occupation is distinct from other industrial uses. Case law in respect of *Lotus and Delta v Culverwell (VO) & Leicester City Council* directs that the rent on the subject property £155,000 as at the AVD is the starting point for determining RV supported by rental evidence passing on a similar auction sites.

The rental evidence passing on the appeal hereditament over the years had been declared open market value and had been used for other tax purposes.

Having taken into account all the issues relating to the land at the appeal hereditament, the overall value of all the land on the site is £7.82/m², which he believes was fair and reasonable. He was also of the opinion that the receipts and expenditure valuation as a method of check supports the reliability of the revised assessment.

Accordingly Mr Daley requested that the Tribunal dismiss the appeal and requested confirmation of a revised assessment of £125,000 RV, with effect from the date of the Tribunal's decision.

Decision of the Tribunal

The Members of the Tribunal considered very carefully all the evidence presented by the parties at the Hearing, both written and oral, before making their determination and appreciated that the only issue in dispute was the rate per square metre to be applied to the surfaced and unsurfaced areas of land at the appeal hereditament.

The Tribunal was aware that in accordance with relevant legislation the appeal hereditament must be valued by having regard to values achieved as at the Antecedent Valuation Date, the 1 April 2015, whilst looking at the physical circumstances of the property as at the Material Day, the Compiled List entry date of the 1 April 2017.

The Tribunal was also aware of the cases referred to by the VO providing judicial precedent or case law with regard to Rating and the VO's practice note regarding the 'national valuation approach' to car auction sites throughout England and Wales.

The Tribunal was also mindful that "in a perfect world" the best evidence available would be that of an open market value rent passing on the appeal hereditament at the Antecedent Valuation Date.

The VO provided details of rents passing on the appeal hereditament in April 2015 and contended that whilst the rents are between directors of the company they have in the past been accepted and used in previous valuations and utilised for other tax purposes. In accordance with principles outlined in *Lotus and Delta v Culverwell (VO) & Leicester City Council* the rental evidence on the appeal hereditament should be taken as a starting point for rateable value. However the Tribunal was mindful that the passing rents are between connected parties and therefore are not reliable as they are not clean rents. The rents are not true arms-length transactions and therefore must be treated with caution. Accordingly the Tribunal attached little weight to this evidence.

With regard to the VO's 2017 Rating Manual in respect of car auctions the Tribunal recognised that the practice note is a mandatory guidance manual prepared by the VO for its caseworkers and that there is no formal agreed scheme under the 2017 Rating List for valuing car auction sites. Accordingly there was no 'national valuation approach' in respect of this type of property.

The Tribunal was of the view that when valuing a property "a stand back and look" approach should be adopted and the appeal hereditament should be considered vacant and to let, whilst not having regard to the actual trade of the occupier. Whilst the appeal hereditament is currently occupied as a car auction, by adopting a "stand back and look" approach, the Tribunal was of the opinion that vacant and to let the subject property was more akin to a converted industrial unit and not a purpose built building for car auctions like those located at Chelmsford and Bilston in England.

Accordingly when the VO suggested that the application of land values on a 'national valuation approach' to the appeal hereditament is fair and reasonable, the Tribunal considered this statement to be somewhat unjustified in that the land value of a car auction site in Merthyr Tydfil cannot be compared to the more affluent, better located and more populated land values of sites at Chelmsford and Bilston.

The appeal hereditament was a typical industrial building, albeit adopted for car auction use, located in one of the most deprived areas in the United Kingdom. It was poorly accessed from the main arterial roads within a residential area. It had the associated nuisances of the overflight of the main A470 arterial road along with its support pillars located on site and planning restrictions to the lower part of the site relating to lighting and times of use.

In comparison the auction sites provided by the VO were a different animal and in the Tribunal's opinion bore no relationship to the appeal hereditament. They were purpose built buildings located in more affluent and highly populated areas of England with better access off major road networks with main distribution centres and large warehouses located nearby.

The Tribunal acknowledged that purpose-built car auction premises, located at strategic sites with excellent communication links by road were likely to be a "sui generis" class of property that would exhibit a national rental demand and should be valued within their own valuation scheme. However, sites that had developed as a result of the conversion of existing industrial buildings situated in less desirable locations with poorer road links could not be considered to be comparable to purpose-built facilities and should be valued outside the scheme established for such premises. It was logical that the demand for this type of premises would be considerably lower than that for purpose-built premises and they should not be considered to form part of the national market for purpose-built car auction sites.

Whilst the Tribunal appreciated that the VO wishes to include similar types of property within the same valuation scheme, it was of the opinion that the VO was sacrificing a common sense approach for consistency with regard to land values.

Accordingly in arriving at its decision, the Tribunal has adopted the areas and rates applied to the buildings following the VO's Notice issued on the 4 January 2018, which would have been present as at the Material Day and were not in dispute between the parties.

In respect of land values the Tribunal was persuaded by the appellant in adopting the rate applied by the VO at £2.50/m² in respect of assessments in the same locality as the appeal hereditament and which have shown no increase in land value between the compilation of the 2010 and 2017 Rating Lists.

Whilst there was some difference between the parties in the apportionment of the land between unsurfaced and surfaced areas, the Tribunal adopted the breakdown detailed by the appellant, who would have an extensive knowledge of the site with regard to the planning restriction, and accordingly applied a discount of 30% to those areas affected by planning restriction.

In respect of the appeal hereditament's site with regard to its awkward shape and poor circulation, the location of the A465 pillars within the site, the easements for maintenance, restrictions on use, drainage issues and problems with falling debris, the Tribunal believe an end allowance of 20% fairly reflected the nuisance of these factors.

Accordingly and in conclusion, the Tribunal finds in favour of the appellant and Orders that entry in respect of the Car Auction and Premises, Merthyr Motor Auctions, Pant Road, Dowlais, Merthyr Tydfil, in the 2017 Non-Domestic Rating List be reduced to £45,500 RV, with effect from 1 April 2017.

Certified a true copy on 8 May 2018.