

THE HIGHLAND & WESTERN ISLES
VALUATION APPEAL COMMITTEE

Inverness, 12 September 2018

Alastair Beattie (Chair)
Gair McKay
Jan McEwan

Donald M MacKenzie, Secretary

Subjects	Reference Number
West End Car Park, Achintore Road, Fort William, PH33 6RQ	05/01/006020/0
Car Park No.1, An Aird, Fort William, PH33 6AN	95/01/015031/6
Middle Street, Car Park, Middle Street, Fort William, PH33 6EJ	05/01/595008/5
Car Park, Parade, Fort William, PH33 6BA	05/01/640040/0
East Car Park, Transport Centre, Fort William, PH33 6EN	05/01/794028/2
For the Appellants	For the Respondent
Christopher Holmes, Estate Surveyor, Highland Council	Assessor

These Appeal Subjects are five car parks situated in the town of Fort William. They are entered in the Valuation Roll at a value based on £150 per car parking space.

EVIDENCE FOR THE APPELLANTS

Christopher Holmes, MRICS, gave evidence on behalf of the Appellants. He has been a surveyor in the Highlands for 6 years. Before joining the Council he was a

surveyor for the Valuation Joint Board for 18 months and prior to that was in private practice.

He referred to the Scottish Assessors Association Revaluation 2017 Commercial Properties Committee Practice Note 18, Valuation of Car Parks. He referred in particular to paragraph 2.1.3 which states “In the absence of local evidence it may be appropriate to look out-with the valuation area for comparable rental evidence.” According to Mr Holmes, “the valuation area” in this context meant Fort William, not the area of the Highland & Western Isles Valuation Appeal Panel.

He submitted there was evidence to support a rate of £70 per space for car parks in Fort William. He referred to a lease by the Highland Council of ten car parking spaces on Linnhe Road, Fort William. This is the area outlined in blue on the appellant’s production, A2. This was the best comparable evidence. It was let out on a full repairing and insuring lease. Mr Holmes did not lodge a copy of that lease. In cross-examination he was uncertain as to whether the lease was in fact for a car park or just for an area of ground that was subsequently turned into a car park.

Referring to the Scottish Assessors Association Revaluation 2017 Basic Principles Committee Practice Note One – Adjustment of Rents, and in particular paragraph 10.1 and 10.2, he suggested a 13% deduction for repairs and 5% for insurance combining to a total reduction of 18%. He also argued for a quantum allowance of up to 10% for certain of the subjects.

He submitted that, outside of Inverness and Aviemore, the rate per space for car parks in other towns in the valuation area was £100 per space and questioned why the rate in Fort William should be 50% greater than that. He contended that the Aviemore rate of £120 per space was a reflection of the operation of supply and demand there. He did not offer the Committee any evidence as to the respective usage of car parks in Inverness, Aviemore or anywhere else.

In terms of allowances for individual Appeal Subjects he argued as follows:-

East Car Park – due to difficulties with access and poor signposting this car park was “easily missed”. A high proportion of users are tourists. There should be an end allowance for poor access and the fact that the car park was adjacent to a large outdoor shop whose patrons mistook this car park for a car park for the outdoor shop. There should also be a quantum allowance.

Parade Car Park – this was easily missed due to road layout and poor signposting and so there should be an end allowance of 15%.

Middle Street – due to its large size there should be a quantum allowance of 10% and the surface was poor, being pot-holed which should attract an end allowance of 5%. He did not know how much had been spent or would have to be spent on the maintenance of the surface of this, or any of the other car parks.

West End Car Park – there should be a quantum allowance of 10% applied here.

EVIDENCE FOR THE ASSESSOR

Colin Anderson, MRICS, a senior valuer, with particular responsibility for Lochaber, gave evidence for the Assessor. He has been a Chartered Surveyor for 18 years with 3 years' experience in the Assessor's Office. He gave evidence as follows in relation to the individual car parks:-

East Car Park – he was of the opinion that there was no evidence to support the suggestion that this car park was difficult to find. In his experience it always appeared to be well patronised. The surface appeared to be in reasonable order.

West End Car Park – this is not in the centre but it is well located for access to the High Street, particularly for northbound traffic. It is also well placed for Council Offices.

An Aird Car Park – this is handily located for the railway station, supermarket and the shops, the shops on the High Street being served by an underpass beneath the main road from close to that car park to the end of the High Street.

Middle Street Car Park – this backs on to the High Street and is located between the High Street and the ring road.

Parade Car Park – this is just off the A82 main road near the Alexandra Hotel. He is not aware of any issues with visibility of signage or access to the car park and regarded it as being in a “useful” location.

In general terms he stated that the car parks were all central in Fort William, served the High Street and are no more than one street away from the High Street. That is why the car parks are located in the locations they are.

He had not allowed for quantum either because of the large size or small size of particular car parks because he did not think a quantum allowance was appropriate. He agreed that there was very little rental evidence in this valuation area. There was some limited rental evidence in the city of Inverness but he did not seek to rely on that. All other appeals in relation to car parks had been settled or withdrawn. Those included car parks in Nairn and Dingwall where the rate was £100 per space. The Aviemore rate of £120 per space had been agreed with Mr Holmes. Mr Anderson agreed that the Fort William rate should be less than Inverness where the rates range from £200 to £300 per space. The absence of applicable rental evidence had been the same for all other appeals which had been agreed or withdrawn and he saw no reason for these particular appeal subjects to be differentiated. He advised that a car park owned by the appellants in Viewfield Place on the east side of the High Street in Fort William, the value of which was based on the rate of £150 per space, had not been appealed.

DISCUSSION & DECISION

In terms of the reliability of the two bodies of evidence before it, the Committee was able to place no reliance on the evidence of Mr Holmes. His evidence was vague, uncertain, at times accepted by him as inaccurate and when he ventured into matters of opinion, that opinion appeared to be based on supposition rather than upon careful research and consideration of established facts.

In relation to the details of the individual car parks which were the subjects of appeal, he produced and referred to a map – Production A2. That identified the five subjects of appeal and one comparison. On the face of the map each car park has figures

ascribed to it expressed in metres. In his evidence in chief Mr Holmes told the Committee that the figures indicated the area of each of the car parks expressed in square metres. However, in cross-examination he later conceded he was mistaken as to the meaning of these figures on the map and that instead they indicated the length of the perimeter of each of the car parks, conceding this was not a useful figure. The actual areas of the car parks were greater, in at least one case, by a factor of over ten times than the figures suggested by Mr Holmes in his evidence in chief.

Also, Mr Holmes admitted to uncertainty as to the number of spaces offered in each car park. In the Grounds of Appeal submitted in around July 2018 he suggested the Middle Street Car Park had 106 car spaces whereas he now accepted it had 125; An Aird Car Park he suggested had 53 car parking spaces whereas he now accepted it had 133; West End Car Park he suggested had 271 car parking spaces whereas he now accepted it had 300.

The Committee would have expected an expert witness giving evidence in relation to appeals regarding the rateable values of car parks to have a firm understanding of the size of each, both in terms of the area it occupied and the number of spaces it offered, particularly so where, in relation to East Car Park, Middle Street and West End Car Park he was contending for a quantum allowance on account of their sizes.

He asserted two of the car parks, East and Parade, were easily missed due to poor sign posting and the road layout and that the former was used by patrons of the adjacent outdoor clothing and equipment shop who assumed, wrongly, the car park to be associated with that shop. Under cross-examination, and upon questioning by

members of the Committee, who were all quite familiar with Fort William, he offered no empirical evidence to substantiate these assertions. He had no evidence to offer the Committee as to the level of usage of any car parks.

The Appellants had agreed the valuation of all car parks in this valuation area apart from the Appeal Subjects. Outside of Inverness, that has involved the application of a uniform rate per parking space in each locale without the application of adjustments for, for example, quantum or end allowances. The Appellants had not appealed the valuation of the Viewforth Place Car Park, Fort William which was valued on the basis of £150 per space.

Paragraph 22

Within this valuation area, the range of values went from, in Inverness, £200 to £300 per space; in Fort William, £150 per space; in Aviemore £120 per space; in smaller towns, £100 per space; in rural locations, £50 per space. For avoidance of doubt, the Committee understood that, in this context, the term "valuation area" should be considered to have its statutory meaning and not some alternative, as suggested by Mr Holmes.

Having considered all of the evidence placed before it, the Committee determined a rate based on £150 per space for these Appeal Subjects in Fort William was reasonable. The Appeals are therefore refused.

POSTSCRIPT

Parties are reminded that if they lead evidence from witnesses which they seek to have accepted by the Committee as expert witness evidence, Committees of this Panel

will expect such witnesses to know the requirements of expert witnesses when giving evidence and to follow those requirements. Those requirements are set out in RICS Professional Statement and Guidance Note for Surveyors acting as Expert Witnesses in Scotland. A thorough and careful reading of this professional statement and guidance is commended to all such witnesses appearing before Committees of this Panel.



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Alastair G Beattie, Chairman

3 Oct. 2018

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Date