

LANARKSHIRE VALUATION APPEAL PANEL

STATEMENT OF REASONS

APPLICATION FOR REFERRAL TO THE

LANDS TRIBUNAL

by

LONDON AND REGIONAL PROPERTIES  
LIMITED

relative to

CAR PARK, TRYST ROAD, CUMBERNAULD  
G67 1JW

1 By letter dated 2<sup>ND</sup> March 2012 the Appellants had, through their agents, Gerald Eve, submitted an application for referral of the appeal to the Lands Tribunal for Scotland for determination in terms of Regulation 4(1) of the Valuation Appeal Committee (Procedure in Appeals under the Valuation Acts) (Scotland) Regulations 1995 (“the Regulations”).

The agents submitted that the negotiations with the Assessor had raised matters of principle, which may necessitate a hearing. It was submitted that the appeal fell within sub paragraphs (a), (b), (c), and (d) of Regulation 5(1) of the Regulations. No information was given to the Committee as to why the appeal should fall within any of these sub paragraphs.

2 In response to a letter from the Secretary asking if they wished to make any further representations, the agents for the appellants submitted that the subject should be deleted from the valuation roll. “Double counting“ appeared to have occurred as the rates for the car parks had been incorporated into the leases of the units within the Antonine Shopping Centre. It was submitted that the Springkerse case was relevant to the valuation of retail centre car parks such as this where there were no parking charges.

3 By letter dated 19<sup>th</sup> March 2012 the Assessor opposed the proposed referral to the Lands Tribunal. He argued that the agents were requesting a referral on issues which had already been decided in the Springkerse case.

4 The Appellants’ agents were again asked if they wished to make further representations. They did not.

5 The Committee considered the application on 21<sup>st</sup> March 2012. They decided as follows:-

With regard to sub paragraph (a), there was no specification in the application of why it was considered that the facts of the case were complex or difficult to apply.

With regard to sub paragraph (b), there was no specification in the application of why it was considered that the evidence to be given by Expert Opinion is complicated and highly technical.

With regard to sub paragraph (c), the Committee agreed with the Assessor's submission that the Springkerse case was a relevant decision and provides guidance for the Committee in this matter. For this reason, the Committee did not accept that the law was uncertain and difficult to apply.

With regard to sub paragraph (d), the representations made by the Appellant's agents did not demonstrate that the case raised a fundamental or general issue likely to be used as a precedent in other cases.

6 For the foregoing reasons, the Committee refused the application for referral to the Lands Tribunal.

4 April 2012