

Appeal No. VA94/1/026

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

John Moran, Wood Systems Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Sawmill at Map Reference: 26 ABCD, Townland: Cornaroya, Ward: Ballinrobe, R.D.:
Ballinrobe, Co. Mayo
Agreement at First Appeal

B E F O R E

Veronica Gates

Barrister (Acting Chairman)

Patrick Riney

F.R.I.C.S. M.I.A.V.I.

Brid Mimmagh

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 5TH DAY OF OCTOBER, 1994

By Letter of Appeal dated the 6th day of May, 1994 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £75 on the above described hereditament.

The grounds of appeal as set out in the Letter of Appeal are that:-

"The business situated on this site is generating insufficient profits to pay rates at this level and on other grounds to be specified in due course."

The Property:

The premises comprise a range of buildings in use as sawmill, workshop and stores, together with a seasoning kiln and a large hardcore timber storage yard. The premises is located beside the town of Ballinrobe on a site of 3.3 acres.

The buildings are generally of concrete or corrugated iron construction with galvanised iron roofing. About 1986 a boiler house, kiln, open timber shed and scrap timber shed were erected.

Valuation History:

In 1981 the premises was valued as a 'sawmill' at £50. The premises was listed by the Local Authority in 1992 and the valuation increased from £50 to £85 to take account of changes since the previous valuation. An appeal was lodged in 1992 to the Commissioner of Valuation and at First Appeal the valuation of £85 was reduced to £75. It is against this valuation that an appeal lies to the Tribunal.

Written Submissions:

A written submission was received on the 28th September, 1994 from Mr. Patrick Nerney, Rateable Valuation Consultant, Valuer and Auctioneer, on behalf of the appellant.

In the written submission Mr. Nerney described the premises. He said that the premises had been used as a sawmill but that this operation had ceased in 1991 and the business now comprised a workshop and ancillary buildings used for the assembly of timbers pallets. He said that access to the property was restricted and that while a portion of the yard was concrete surfaced the remainder was rough stone finish.

Mr. Nerney said that the total area of the buildings was in the order of 21,000 square feet, which was much in excess of the requirements for the present business.

Mr. Nerney set out his calculation of the appropriate rateable valuation on the subject premises as follows:-

Net Annual Value

Offices	700 sq.ft. @ £1.50	=	£ 1,050
Workshop etc	20,000 sq.ft. @ £0.50	=	£10,000

E O for kiln	900 sq.ft. @ £0.50	=	<u>£ 450</u>
			£11,500

Rateable Value

Net Annual Value	£11,500 @ 0.5%	=	£57.50
		Say	£58

Mr. Nerney supplied details of three comparisons within the area as follows:-

1) N C F Co-op Society Limited - Ballinrobe, Co. Mayo

Shop and Stores

R.V. £110

The net annual value of portion of these premises, comprising fully enclosed haybarn and lean-to type buildings used as stores together with former masonry wall/slate roof covered creamery used as wool store and amounting in total to 7,200 square feet, was calculated at 75p per square foot at 1990

First Appeal.

2) Murray Timber Products Limited - Ballygar, Co. Galway

Sawmills and Land

R.V. £65

The rateable valuation devalued at 75p for workshop and stores of 13,336 square feet and at 2½p per square foot on 64,000 square feet of yard.

3) Murray Timber Products Limited - Ballygar, Co. Galway

Sawmills and Land

R.V. £180 (VA92/2/49)

The estimated breakdown is as follows:-

Offices	700 sq.ft. @ £3.00	=	£ 2,100
Kiln	2,200 sq.ft. @ £4.00	=	£ 8,800
Mill Buildings	28,500 sq.ft. @ £0.80	=	£22,800
Horsepower	400 sq.ft. @ £6.00	=	<u>£ 2,400</u>
	N.A.V.	=	£36,100

$$\text{R.V. } \pounds 36,100 @ 0.5\% = \pounds 180$$

A written submission was received on the 26th September, 1994 from Mr. Jim Gormley, B.Agr.Sc., A.R.I.C.S., a District Valuer in the Valuation Office, on behalf of the respondent.

In the written submission Mr. Gormley gave details of the subject premises as set out above and its valuation history. Commenting on the grounds of appeal at Tribunal stage Mr. Gormley said that the valuation of £75 had been agreed with Mr. Moran at First Appeal. Mr. Gormley said that at First Appeal the Valuation Office had taken the quality of the buildings into account. He said that they had also excluded from the valuation a number of lean-to structures, a building damaged in a storm and a store which the appellant indicated was soon to be demolished. He said that the balance of the buildings were standard for this type of business and had been valued at less than £1.00 per square foot which he considered moderate.

Mr. Gormley set out his calculation of the rateable valuation on the subject premises as follows:-

Workshop, stores and sawmill	11,638ft ² }			
Drying Store	4,940ft ² }	@ £0.75	=	£12,430
Kiln and Powerhouse	954ft ²	@ £2.00	=	£ 1,908
Timber Yard		@	=	£ 1,500
Store to be demolished	1,226ft ²	@ Nil	=	-
Lean-to's	1,747ft ²	@ Nil	=	-
				£15,838
		x 0.5%	=	£79.00
		Say	=	£75

OR

Total Area (To include yard & kiln)	17,532ft ²	@ £0.09	=	£15,778
		x 0.5%	=	£78.90
		Say	=	£75.00

Mr. Gormley submitted three comparisons in the area as follows:-

1) Walsh Kitchens, Ballinrobe Limited

R.V. £60 - 1992 Revision

Valuation9,666ft² @ £1.25/ft² = £12,082

x 0.5% = £60.00

2) Tom Dunleary

R.V. £30 - 1992 Revision

Valuation987ft² @ £1.50 = £1,4803,630ft² @ £1.25 = £4,530

£6,010 x 0.5%

= £30.00

3) N C F Stores

R.V. £110 - 1992 First Appeal

Valuation

Shop/Store	3,617ft ² }		
Store	2,536ft ² }	@ £2.00 =	£12,306
Store over Shop	3,565ft ²	@ £0.50 =	£ 1,782
Old Creamery	4,514ft ²	@ £0.75 =	£ 3,385
Old Creamery Store	2,742ft ²	@ £0.75 =	£ 2,056
Storage Yard		@	<u>£ 3,000</u>
			£22,530

x 0.5% = £112.00

Say £110.00

Oral Hearing:

The oral hearing took place in Castlebar, Co. Mayo on the 5th October, 1994. Mr. Patrick Nerney appeared for the appellant and Mr. Jim Gormley of the Valuation Office appeared for the respondent. Mr. John Moran, Director of the appellant company also gave evidence.

From the evidence it emerged that Mr. Jim Gormley and Mr. John Moran had, in January, 1994, entered into settlement negotiations in relation to the rateable valuation of the subject premises and had agreed that the R.V. should be reduced from £85 to £75.

Determination:

The Tribunal has considered the evidence adduced by both parties in relation to this issue and is satisfied, on the evidence, that Mr. Moran is estopped from pursuing an appeal before the Tribunal because of the aforesaid prior agreement. The Tribunal, therefore, determines that the valuation of £75 as fixed by the Commissioner of Valuation should be affirmed.