

Appeal No. VA97/4/045

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

John Kavanagh

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Factory and land at Lot No. 5B.75A, Durhamstown, ED: Ardbracon, RD: Navan, Co. Meath
Quantum

B E F O R E

Liam McKechnie - Senior Counsel

Chairman

Rita Tynan - Solicitor

Member

Marie Connellan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 8TH DAY OF MAY, 1998

By Notice of Appeal dated the 29th day of July 1997, the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £70 on the above described hereditament.

The grounds of Appeal as set out in the Notice of Appeal are that "the valuation is excessive, inequitable and bad in law when compared with similar buildings recently revised and appealed in the general area".

The Property

The subject property is situated in a rural location approximately 4 miles from Navan. The surrounding area is agricultural in character. The property comprises a purpose built workshop, lean-to, and outer store with agreed floor area of 11,521 sq.ft. constructed in the early 1990's with concrete block walls, concrete floor, and corrugated iron roof with eaves height of approximately 18 ft.

Valuation History

The property was originally valued for rating purposes under the 1995 revision at £30.00. The valuation was revised in 1996 following an extension, at which time the valuation was increased to £80.00. This was appealed to the Commissioner of Valuation and having considered the Report of the Appeal Valuer the Commissioner reduced the valuation to £70.00. It is against this determination of the Commissioner of Valuation that the Appeal now lies with the Tribunal.

Written Submissions

A written submission was prepared by Mr. Eamonn S. Halpin, B.Sc. A.S.C.S. A.R.I.C.S. M.I.A.V.I. Chartered Valuation Surveyor and Estate Agent of Eamonn Halpin & Co., on behalf of the Appellant. A written submission was prepared by Mr. John Colfer, a Valuer in the Valuation Office on behalf of the Respondent. In accordance with practice these submissions were exchanged between the parties and submitted to the Tribunal in advance of hearing.

Oral Hearing

The Oral Hearing took place on the 23rd day of January 1998. Mr. Halpin represented the Appellant and Mr. Colfer represented the Respondent. Mr. Halpin adopted his précis as his evidence in chief given under oath. He described the subject as a rural workshop of rather basic construction used as a factory for the manufacture of furniture constructed in 1992 and subsequently extended some two years later. He said the latter extension was never fully completed in that no electrical fittings were ever installed and its use is somewhat confined to storage. He stated the outer store is a modest structure and is basically an old farm shed. He said the main buildings are of very basic construction being iron post with part concrete block walls, and corrugated iron sheeting over roofs of single corrugated iron, and concrete floors internally. The premises, he said, are erected on the Appellant's father's farm in a rural area which is accessed by a maze of back roads and must be regarded as a poor industrial location.

He said that any prospective tenant would only pay a very moderate rent for these buildings due to their very basic nature and location, and given that better quality buildings were available beside the town of Navan on very moderate terms in the mid to late 1980s. He considered the subject premises to be out of line with the common or main comparisons which he felt are quite similar. He stated the buildings are quite basic with a number of structural defects and somewhat similar to L & N Darby & Sons Ltd. which he would regard as a fairly good comparison in terms of structure, usage, and location.

Mr. Colfer adopted his précis as his evidence in chief given under oath. Mr. Colfer did not agree with Mr. Halpin's description of the subject premises as a hay barn type structure.

Mr. Colfer described the property as a modern purpose built factory of concrete and corrugated iron construction with eaves height of approximately 18 ft. He outlined the method by which he calculated the rateable valuation of the property having regard to comparative properties in the locality as follows:-

Work Shop	5,090 sq.ft. @ £1.35	=	£6,871
Work Shop	4,951 sq.ft. @ £1.20	=	£5,941
Lean-to	575 sq.ft. @ £ .80	=	£ 460
Outer Store	905 sq.ft. @ £ .80	=	<u>£ 724</u>
			£13,996

Say £14,000
R.V. = £14,000 @ 0.5%
= £70

Mr. Colfer outlined four comparisons as follows:-

- (1) Leo Darby & Sons Ltd. - 1992 Tribunal Determination R.V. £95
- (2) Francis Clarke - 1990 First Appeal R.V. £68 (Domestic £15)
- (3) John Farrell - 1991 First Appeal R.V. £25
- (4) Gallagher Brothers Limited - 1995 Revision R.V. £95

He put it to Mr. Halpin that it is a purpose built workshop and Mr. Halpin accepted this. Referring to the main or common comparisons he considered that while they were of similar type construction they were older buildings and of inferior quality to the subject property. He considered £1.00 p.s.f. would have been the minimum which could have been applied to a better quality and modern purpose built workshop. Mr. Colfer stated that in assessing the valuation he regarded the comparisons as of inferior quality to the subject property in terms of structure and age and applied a valuation of £1.35 p.s.f. to reflect the better quality and structure of the subject property. In reply to a question from the Tribunal, Mr. Halpin stated he had no rental evidence to support his assessment of £0.60 p.s.f. for the extension constructed in 1994.

Determination

In its determination the Tribunal considered the written submissions of the parties together with the oral evidence offered at the Hearing. The Tribunal accepts that the subject property is a modern purpose built workshop. While it is located in a rural area and the type of construction is similar to those in the locality, it is of more modern and recent construction and of better quality. Mr. Colfer appears to have been reasonable in his assessment of the net annual value and in the circumstances, and in the light of all the evidence adduced, the Tribunal affirms the decision of the Commissioner.