

Appeal No. VA11/2/045

**AN BINSE LUACHÁLA**  
**VALUATION TRIBUNAL**  
**AN tACHT LUACHÁLA, 2001**  
**VALUATION ACT, 2001**

**Eamonn Doyle**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Property No. 2207258, Workshop, Yard at Lot No. 11A/1, Coolyhune, Tinnahinch, Idrone, Co. Carlow

**B E F O R E**

**Maurice Ahern - Valuer, IPAV**

**Deputy Chairperson**

**Michael F Lyng - Valuer**

**Member**

**Tony Taaffe - Solicitor**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 29TH DAY OF DECEMBER, 2011**

By Notice of Appeal received on the 30th day of June, 2011 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €23.00 on the above described relevant property.

The grounds of appeal as set out in the Notice of Appeal are:

"On the basis that the RV as assessed is excessive & inequitable."

"The workshop is of basic single skin construction & located in a rural area. Its relative value is thus overstated and greater allowances must be made to reflect its relative worth."

The appeal proceeded by way of an oral hearing held in the offices of the Valuation Tribunal, Ormond House, Ormond Quay Upper, Dublin 7, on the 28<sup>th</sup> day September, 2011. At the hearing the appellant was represented by Mr. Eamonn Halpin, BSc, (Surveying), ASCS, MRICS, MIAVI. The respondent was represented by Mr. Oliver Barry, a Valuer Grade I in the Valuation Office. Both parties having taken the oath adopted their respective précis which had previously been received by the Tribunal as their evidence-in-chief. From the evidence so tendered, the following emerged as being the facts relevant and material to the appeal.

### **At Issue**

Quantum

### **The Property**

Location

The property is located in the townland of Coolyhune, Co. Carlow. This is east of Graiguenamanagh, Co. Kilkenny on a minor county road. This is a rural location with no other commercial property in the surrounding area.

### **Description**

The property is comprised of a single skin (uninsulated) structure, with mass concrete walls to 2.43 sq. metres and eaves height of 4.5 sq. metres, which is principally made up of workshop space with a small area of ancillary offices and canteen. There is also a gravel yard to the front and side. The storage yard is hardcore surfaced with gravel binding. The site is secured by concrete walls and has a 7 metre electrically operated sliding gate to the road.

### **Accommodation**

Block 1 Office and canteen	2.64 sq. metres	x	9.28 sq. metres	=	24.50 sq. metres
Toilet	2.64 sq. metres	x	1.37 sq. metres	=	3.62 sq. metres
Loft Store	2.64 sq. metres	x	10.65 sq. metres	=	28.12 sq. metres
Block 2 Workshop	13.61 sq. metres	x	10.65 sq. metres	=	144.95 sq. metres
Block 3 yard	12.00 sq. metres	x	9.00 sq. metres	=	108.00 sq. metres
Block 4 yard	20.00 sq. metres	x	20.00 sq. metres	=	400.00 sq. metres

### **Tenure**

Freehold

### **Valuation History**

- 3<sup>rd</sup> August 2010      Revision Officer appointed on foot of request from Carlow County Council to revise properties at Cullyhune, St Mullins, Co. Carlow
- 29<sup>th</sup> October 2010      Valuation Certificate issued at RV €23.
- 5<sup>th</sup> December 2010      Occupiers appeal to the Commissioner of Valuation through their agents, Eamonn Halpin & Co. Ltd, seeking a reduced assessment.
- 3<sup>rd</sup> June 2011          The Commissioner of Valuation issued the result of the first Appeal with RV unchanged at €23.
- 30<sup>th</sup> June 2011          The occupiers appealed the Commissioner's decision to the Valuation Tribunal through their agents, Eamonn Halpin & Co.Ltd.

### **Appellant's Case**

Prior to taking the oath, Mr.Halpin requested that his first comparison be withdrawn. He made no other changes to his précis. He then took the oath and adopted his précis as his evidence-in-chief. On behalf of the appellant, Mr Halpin maintained the following:

1. The location of the subject property is very modest in commercial terms being in a remote rural area with access via a poor road network and with sparse population.
2. The historical rents in the area are very low, even by standards around the county. Mr. Halpin believes the Commissioner has failed to adjust his levels to reflect this.
3. The level applied by the Commissioner is excessive in view of the established tone of the list for comparable and superior properties (see comparisons). It is also excessive in view of the relatively lower rental capacity of the subject property.
4. The premises primarily serve the need of the occupier being adjacent to his residence and would, Mr Halpin believes, be unattractive to others at this rural location.
5. The property is only of the most basic construction with single skin cladding, which sets it apart from double skin workshops. Additionally the small yard to the front of the property would not attract any additional rental value at this location, in Mr. Halpin's opinion. Thus further allowance needs to be made in this regard.

6. It is accepted that with this type of property as with all others, there is a range of values; however, this property would definitely be at the lower end of the range.
7. The hypothetical tenant would thus only be interested in this property if offered on very favourable terms due to the property's location and basic construction standards which constrain the property's value.
8. The Commissioner's approach in this case is unfair when all the evidence is taken into account.
9. The appellants seek to have their assessment reduced to more fairly reflect their unit's relative value taking into account their actual location, together with the level applied to other properties in the area as shown by the comparisons.

Mr Halpin contended for a rateable valuation of €1 on the subject property, calculated as follows:

Workshop/store (single skin)	148.5 sq. metres @ €13.67 per sq. metre =	€2,030
Office/canteen (single skin)	24.5 sq. metres @ €13.67 per sq. metre =	<u>€ 335</u>
Total NAV		€2,365
€2,365 @ 0.5% =		€11.82
Rounded to RV €1 (to allow for location)		

### Comparisons

In support of his opinion of rateable valuation, Mr. Halpin put forward 4 comparisons, as follows:

1. Withdrawn.
2. Carlow Furniture Ltd, Bagenalstown
 

Property No. 1545273	RV	€63.49 (2009)
NAV Basis:	Workshop	855 sq. metres @ €13.67 per sq. metre

Comment: Similar basic single skin workshops, but in a far superior location. The RV reflected the passing rent which was moderate.

Actual rent 1998:	€13.67 per sq. metres
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## 3. Equip Ltd, Hacketstown

Property No. 1207939      RV €38.09 (1990)

NAV Basis:

Warehouse (high eaves)	195 sq. metres	@	€13.67 per sq. metre
Stores	46 sq. metres + 285 sq. metres	@	€10.93 per sq. metre
1 <sup>st</sup> Floor Store	285 sq. metres	@	€5.48 per sq. metre

Comment: Old stores in Hacketstown, single skin structure, remote area, poor access, located 40 miles from the subject property.

## 4. Chris and Marcella Jackson, Glynn

Property No. 2203431      RV €17 (VA 10/3/021)

NAV Basis:

Showroom (gr.fl.)	98.98 sq. metres	@	€20.50 per sq. metre
Workshop	16.92 sq. metres	@	€13.67 per sq. metre
Store	3.78 sq. metres	@	€13.67 per sq. metre
Office/showroom (1 <sup>st</sup> fl.)	106.60 sq. metres	@	€10.25 per sq. metre

Comment: Determination of the Tribunal in 2010. Similar to the subject property in terms of its remote rural location (10% allowed for location at first appeal stage, further allowance evident from levels applied in the determination).

## 5. Unit 2, Vet &amp; Pet, Royal Oak, Bagenalstown

Property No. 2187911      RV €30 (Agreed 2007, first appeal)

NAV Basis:

Store/Workshop      315.28 sq. meters @ 20.50 per sq. metre (3.85 metre eaves)

Comment: Superior construction (newly constructed) and vastly superior location, part of the Vet & Pet complex at Royal Oak, just off the main Dublin-Carlow/Kilkenny Road.

**Cross-examination**

Mr. Barry asked Mr. Halpin what distinguished a shed from a workshop. Mr. Halpin replied that it depends on the single skin or double skin. He then referred to the CAV report in Mr. Barry's précis at Appendix V, page 2, which states that the property comprises a three-bay shed of steel frame construction with mass concrete walls to 2.43 metres and single skin

cladding to 4.5 metre eaves and single skin cladding to roof plus plastic sheeting insulation under. When Mr. Barry put it to Mr Halpin that the workshop was not located in a rural location, Mr. Halpin did not agree. When further questioned by Mr. Barry, who stated that Bagnelstown suffered like other towns in the area but valuation levels remain modest in the town, Mr. Halpin stated that there is a history of low rental values in the Carlow area, and there should be an allowance made for the rural location.

### Respondent's Case

Mr. Barry, having taken the oath, adopted his précis as his evidence-in-chief. He outlined the location description and valuation of the subject property. Mr. Barry contended for a rateable valuation of €23 on the subject property calculated as follows:

### Valuation

Office and Canteen	24.50 sq. metres	@ €34.17 per sq. metre	=	€837.17
Loft Store	28.12 sq. metres	@ €6.83 per sq. metre	=	€192.06
Workshop incl. toilet	148.50 sq. metres	@ €20.50 per sq. metre	=	€3,044.25
Yard	508.00 sq. metres	@ €1.00 per sq. metre	=	<u>€508.00</u>
Total NAV				€4,581.48

Rateable valuation = Total NAV €4,581.48 x NAV Fraction 0.5% = €22.90

Say RV €23.00

In support of his assessment of the RV on the subject property, Mr. Barry introduced three comparisons as follows:

- Property No. 2178973 – Jordan Agriculture, Ratheden, Muinebeag, Co. Carlow  
 Vaued in 2005 at RV €44  
 Warehouse: 425.60 sq. metres @ €20.50 per sq. metre  
 (Comment: A good building off the road.)
- Property No. 2167710  
 Valued in 2003 at RV €23.00  
 Workshop: 192.08 sq. metres @ €20.50 per sq. metre  
 Portacabin Office: 14.40 sq. metres @ €31.00 per sq. metre  
 Yard: 438 sq. metres @ €0.70 per sq. metre

- 3 Property No. 2173172  
Valued in 2004 at RV €18  
Workshop 142.50 sq. metres @ €20.50 per sq. metre  
Yard 1,110 sq. metres @ €0.070 per sq. metre  
(Comment: Yard inferior to yard of subject property.)

Mr. Barry stated that the subject property has been valued by reference to the tone of the list, Section 49(1) of the Valuation Act, 2001, reflected in particular by the comparison properties outlined above.

### **Cross-examination**

Mr. Halpin referred to Mr. Barry's map which shows that all of the respondent's comparisons were from the northern part of Carlow and none from the southern region. Mr. Barry stated that there were very few workshops in the southern region to put forward, and that he was satisfied that the three comparisons he put forward are reliable comparisons.

### **Summary by Mr. Halpin**

The subject property located in a rural location has some value. It has a very modest canteen and a tiny office. The Valuation Office has not made any significant allowance for its location. All of the respondent's comparisons are double skinned and of better quality than the subject. They are also located north of the county, away from the subject property.

### **Summary by Mr. Barry**

Mr Barry stated the property was well constructed. It was not located in a remote area. The hinterland is well populated. The use of single skin cladding is not detrimental.

### **Findings**

Having considered all of the evidence, the Tribunal finds as follows:

1. The property is located in a remote rural area.
2. None of the comparisons put forward by the respondent has single skin cladding, and this was unhelpful.
3. Comparisons put forward by the respondent were not tested by way of appeal.
4. The loft store was not a rating proposition.

5. The one comparison put forward by the respondent in respect of the valuation of the office element of the subject property was unsatisfactory as it was not corroborated by other comparisons.

### **Determination**

Accordingly, the Tribunal determines that a fair and equitable rateable valuation on the subject property is €19, calculated as follows:

Workshop (incl. toilet)	148.50 sq. metres	@	€18.45 per sq. metre	=	€2,739.82
Office and Canteen	24.50 sq. metres	@	€25.00 per sq. metre	=	€612.50
Yard	508.00 sq. metres	@	€1.00 per sq. metre	=	<u>€508.00</u>
Total NAV					€3,860.32

Rateable valuation = €3,860.32 x 0.5% = €19.30

RV say €19

And the Tribunal so determines.