

**Status of Judgment: Distributed**

Appeal No. VA00/2/037

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

**C & M Cold Stores Ltd.**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Office, cold store, warehouse/warerooms and yard at Map Reference 2B, Townland:  
Naferty, Carrickmacross, Co. Monaghan.

Quantum - Coldstores, Market conditions

**B E F O R E**

**Fred Devlin - FRICS.ACI Arb.**

**Deputy Chairman**

**Michael Coghlan - Solicitor**

**Member**

**Finian Brannigan - Solicitor**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 13TH DAY OF NOVEMBER, 2000**

By Notice of Appeal dated the 2nd day of August 2000, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £1,340 on the above described hereditament.

The Grounds of Appeal as set out in the said Notice of Appeal are that; "the valuation is excessive in comparison to similar properties".

## **BACKGROUND**

C & M Coldstores was established in 1994 as a consequence of business relationships, which had been developed with Rye Valley Foods since 1990. The cold storage rooms were built in four separate phases since 1994 and each phase was constructed to meet the specific demands of Rye Valley Foods who are the predominant customer of C & M Coldstores. In their development plans they also took account of the demand for storage of intervention beef by the Department of Agriculture. The dry goods store was also built exclusively to meet Rye Valley's requirement for on site storage of packaging and non-frozen raw materials. C & M Coldstores knew that the dry goods store would generate insignificant profits, and now regard it as part of the overall service which Rye Valley demands from C & M Coldstores.

In the last twelve months the stockpile of intervention beef has disappeared which has resulted in a fall in the occupancy levels. Additionally Rye Valley has requested C & M Coldstores to review their rates with a view to a reduction in their total annual charge. They themselves are under price pressure from their UK multiple customers and obviously require their suppliers to be even more competitive.

## **PROPERTY**

The property comprises a purpose built cold store with ancillary warehouses, offices and yard located on the Castleblaney Road on the Northern outskirts of Carrickmacross.

A written submission prepared by Mr. Nicholas McAuliffe of Kenneally McAuliffe Auctioneers & Valuers was received by the Tribunal on the 17<sup>th</sup> day of October 2000. Mr. McAuliffe's written submission stated that a fair valuation of the subject premises would be £1,135.00. Mr. McAuliffe's submissions contained a schedule of two comparisons.

A written submission prepared by Mr. Damien Curran ARICS ASCS BSC (Surv), a District Valuer with 20 years experience in the Valuation Office was received by the Tribunal on the 13<sup>th</sup>

day of October 2000. Mr. Curran's submission relied on the Valuation Tribunal decision in *VA97/6/033 - Castlecool Limited –v- Commissioners for Valuation*.

Arising out of the written submissions the following areas had been agreed between the parties, cold stores 53,800 sq. ft., dry goods store 25,293 sq. ft., loading bay 13,346 sq. ft., offices 3,465 sq. ft., workshop 380 sq. ft.

The appeal proceeded by way of oral hearing which took place at the Valuation Tribunal offices, on the 27<sup>th</sup> October 2000.

The Appellant was represented by Mr. Nicholas McAuliffe and the Respondent was represented by Mr. Damien Curran.

In his sworn testimony Mr. McAuliffe adopted his précis as his evidence in chief and went on to make amendments in respect of his comparisons in noting that the Rye Valley Foods valuation of £550.00 applied to a reduced area of 35,832 sq. ft. Mr. McAuliffe stated that the thrust of his client's case was that the cold store facility was effectively obsolete. In his view as there was now no storage market for intervention beef the premises had a future only as a dry goods store. It was stated that the appellant had only one client namely Rye Valley Foods and there was general pressure to reduce costs. Mr. McAuliffe stated that he was advised that only a small proportion of the cold store was presently being used as such but that he had not inspected the premises during the course of this year. He accepted that his comparisons were properties that had been valued as ordinary warehouses and manufacturing premises with lower headroom and specification than that found in modern purpose built cold store premises.

Mr. Damien Curran gave evidence on behalf of the Commissioner of Valuation and duly adopted his précis as his evidence in chief given under oath. Mr. Curran stated that this was the third revision in respect of these premises and that in his view the case was covered by the decision of the Valuation Tribunal in *VA97/6/033 - Castlecool Ltd.* where the Tribunal fixed a rate of £3.00 per sq. ft. in respect of similar premises. Mr. Curran stated that he had inspected the property earlier this year. At the time the cold store was in use. He stated that there had been no mention

to him of vacant areas and that this was the first occasion that the problem with intervention beef stocks had been mentioned to him in relation to this property.

### **FINDINGS & DETERMINATION**

The Tribunal has considered the written submissions and oral evidence given by both parties.

The Tribunal notes the net issue as to whether that portion of the subject being cold stores ought to be valued as such. The Tribunal has also noted its own decision in the case of Castlecool Limited -v- Commissioner of Valuation.

The Tribunal is not impressed with the Appellant's case in this instance. It is clear that even now at least a portion of the cold stores is being used for cold storage. Moreover, the Tribunal notes that there has been no physical change in the premises or adaptation to other uses. Accordingly, the Tribunal rejects the arguments made by the Appellant and approves the Commissioners determination when fixing a rateable value of £1,340.00.

The Tribunal therefore determines the rateable valuation of the subject hereditament to be £1,340.00.