

Appeal No. VA08/3/030

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

**Planet Baby Ltd.**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Property No. 2191454, Shop at Lot No. Forte Lynne Retail Park/ Unit 12, Forte Lynne Retail Park, Letterkenny, Letterkenny Urban, Letterkenny UD, County Donegal

**B E F O R E**

**Fred Devlin - FSCS.FRICS**

**Deputy Chairperson**

**Brian Larkin - Barrister**

**Member**

**Michael F. Lyng - Valuer**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 20TH DAY OF JANUARY, 2009**

By Notice of Appeal received on the 5th day of August, 2008, the appellant appealed against the determination of the Commissioner of Valuation in fixing a valuation of €215.00 on the above described relevant property.

The Grounds of Appeal are set out in the Notice of Appeal, a copy of which is at Appendix 1 to this judgment.

1. This appeal proceeded by way of an oral hearing in the Radisson Hotel, Letterkenny, Co. Donegal on the 6<sup>th</sup> day of November, 2008.
2. At the hearing the appellant was represented by Mr. Patrick McCarroll, ASCS, MRICS, MCI Arb, Chartered Valuation Surveyor. Mr. Tomas Cassidy, B.Sc (Property Management & Valuation Surveying), IAVI, a District Valuer in the Valuation Office, appeared on behalf of the respondent, the Commissioner of Valuation.

### **The Property Concerned**

3. The property concerned in this appeal is a lockup retail premises in a mixed use development known as Forte Lynne Retail Park located close to the junction of Canal Road with Neil T. Blaney Road in Letterkenny, Co. Donegal.
4. The construction of the Forte Lynne development commenced in or about 2005 and consists of 18 retail outlets and offices. Many of the retail outlets are occupied by well known national retailers including Homebase and Dunnes Stores. The property concerned trades as Planet Baby. It is located within a parade with three storey office accommodation overhead and has frontage directly onto the car-park.

### **Accommodation**

5. The accommodation measured on a gross internal area basis has been agreed as follows:

Ground Floor Retail: 209.91 sq. m

First Floor Store: 218.34 sq. m

### **Rating History**

6. The subject property was initially assessed at a rateable valuation of €215.00. No change was made on foot of an appeal to the Commissioner of Valuation and it is against this decision by the Commissioner of Valuation that the appeal to this Tribunal lies.

### **Appellant's Evidence**

7. Mr. McCarroll having taken the oath adopted his written précis and valuation which had previously been received by the Tribunal as being his evidence-in-chief. In his evidence Mr. McCarroll contended for a rateable valuation of €65.00 calculated as set out below:

Retail Warehouse	209.91 sq. metres	@ €41.00 per sq. metre	= €8,606.31
First Floor	218.34 sq. metres	@ €20.00 per sq. metre	= <u>€4,366.80</u>
NAV			= €12,973.11
RV @ 0.5% Say			= €65.00

In support of his opinion of net annual value, Mr. McCarroll introduced three comparisons details of which are set out in Appendix 2 attached to this judgment.

8. In his evidence Mr. McCarroll said that the Forte Lynne development was more in the nature of a retail park development than a shopping centre as such. In his opinion the Valuation Office was wrong to value the property concerned by reference to the valuation of shops located in the town centre. Fort Lynne, he said, was located adjacent to a retail park fronting onto Link Road which contained outlets occupied by TK Maxx, New Look, Argos and others and in his opinion the valuation of the property concerned should be valued by reference to the valuation of these properties.

### **Respondent's Evidence**

9. Mr. Cassidy having taken the oath adopted his written précis and valuation which had previously been received by the Tribunal as being his evidence-in-chief. In his evidence Mr. Cassidy contended for a rateable valuation of €215.00 calculated as set out below:

Ground Floor Retail:	209.91 sq. metres	@ €155.00 per sq. metre	= €32,536.05
First Floor Store:	218.34 sq. metres	@ €50.00 per sq. metre	= <u>€10,917.00</u>
NAV			= €43,453.05
RV @ 0.5% Say			= €217.27
Say	€215.00		

10. In support of his opinion of net annual value Mr. Cassidy introduced three comparisons, details of which are set out in Appendix 3 attached to this judgment.
11. Mr. Cassidy said that the Forth Lynne development was primarily retail in character and was anchored by Dunnes Stores and Homebase and was constructed in accordance with planning permission which provided for "17 retail outlets" together with office accommodation. Mr. Cassidy said that he had taken into account the fact that the development was off-centre but

nonetheless it was an established area for shopping and this is borne out by the number and variety of well known traders in the immediate vicinity such as Marks and Spencer, Lidl, Atlantic Homecare, TK Maxx and Argos. He also had regard to the high standard of specification of the property concerned and the fact that it was convenient to the car-park which has spaces for 690 cars.

12. Mr. Cassidy said that the property concerned occupied a much better location than any of Mr. McCarroll's comparisons which in any event were standard retail warehouse outlets. Indeed Mr. McCarroll's comparison No. 3 (Browne Printers) was valued currently as a workshop.

### **Findings**

13. The Tribunal has carefully considered all the evidence and arguments adduced and finds as follows:
  1. The property concerned is a retail outlet and not a retail warehouse in the accepted sense of that expression. Forte Lynne is a retail location which contains a number of larger outlets such as the Dunnes Stores and the Homebase units.
  2. From a purely retailing point of view it is off-centre and by virtue to its location would have limited pedestrian flow compared to town centre outlets. Much of the custom to this development would be car borne; nonetheless the fact that Marks and Spencer, Dunnes Stores, Homebase and many other well known traders are close by to some degree compensates for the fact that it is located slightly remote from the established town centre.
  3. Having regard to the fact that the property concerned is a retail outlet then it inevitably follows that it has to be valued "by reference to the values", as appearing on the Valuation List in relation to the same rating authority area as that property is situated in, of other properties comparable to that property. i.e. Retail outlets.
  4. Having regard to the above findings the Tribunal attaches no weight to the comparisons introduced by Mr. McCarroll. The comparisons introduced by Mr. Cassidy are however of limited assistance in that comparison No. 2 (McFadden's Pharmacy) is located within the Letterkenny Shopping Centre, an enclosed shopping centre located at the Pearse Road

roundabout whilst Menary's - comparison No. 3 is located on Main Street close to the Courtyard Shopping Centre. Comparison No. 1 whilst fronting onto Pearse Road is situated within the Courtyard Shopping Centre development and the assessment of this unit may have been affected by the fact that the development may have benefited from urban renewal tax relief.

### **Determination**

14. Having regard to the above findings and taking into account the location of the property concerned and making the best judgment that we can on the basis of the comparisons adduced, the Tribunal determines the rateable valuation of the property concerned to be €143.00 calculated as follows:

Ground Floor Retail: 209.91 sq. metres	@ €100 per sq. metre	= €20,991.00
First Floor Stores: 218.34 sq. metres	@ € 35 per sq. metre	= <u>€ 7,642.00</u>
NAV		= €28,653.00
RV @ 0.5 %	= €143.00	

And the Tribunal so determines.