

Appeal No. VA16/3/019

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

John Barry

APPELLANT

and

Commissioner of Valuation

RESPONDENT

In Relation to the Issue of Quantum of Valuation in Respect of:

Property No. 2214394, Retail Warehouse At Unit 5, Cobh Retail Park, Dean & Chapterland of Cloyne, Cobh Rural, Upper Cork, County Cork

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 27TH DAY OF APRIL, 2017

B E F O R E:

Barry Smyth - FRICS, FSCSI, MCI Arb

Deputy Chairperson

Grainne Duggan - BL

Member

Hugh Markey- FSCSI, FRICS

Member

By Notice of Appeal received on the 18th day of August, 2016, the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of €64 on the grounds as set out in the Notice of Appeal as follows:

“That the RV as assessed is excessive & inequitable for this type of unit in a location such as Cobh, which is very moderate with no potential for passing trade.”

The Tribunal, having examined the particulars of the property the subject of this appeal; having confirmed its valuation history; having examined and considered the written evidence and heard the oral evidence on the 25th day of January, 2017 adduced before us by Mr Eamonn Halpin, Eamonn Halpin & Co. on behalf of the Appellant, who contended for a rateable valuation €49 and Mr Paul Ogbebor, Valuation Office on behalf of the Respondent to the appeal:

DETERMINES

That the rateable value of the subject property be as set out below:

Retail Warehouse At Unit 5, Cobh Retail Park - Property No. 2241394

Ground Floor - 256.36 sq. m. @ €40 per sq. m. =	€10,254.40
Mezzanine - 45.54 sq. m. @ €13.66 per sq. =	€ 622.08
Total	€10,876,48 say, €10,900.

NAV €10,900 by Reducing Factor 0.005% = **RV €54.50 (Decrease)**

The reasoning being

The Property:

The subject property of this appeal is located in Cobh Commercial Retail Park, Ticknock, Cobh, Co Cork. This modern, mixed use, park is situated approximately 1.5km from the centre of Cobh town and 8km from the N25 Cork – Middleton/Waterford road.

This commercial and retail park was developed in the mid 2000's and comprises of 2 elements viz: the commercial element comprising retail warehousing in which the subject properties are located and a retail element comprising of stores occupied by Lidl and Aldi; both of which share the campus and access road but have dedicated car parking.

Evidence was placed before the Tribunal that planning permission had been granted for a second block of retail warehouses of similar size and nature but this block had not been built.

Background

The subject of the appeal is a mid-terrace retail warehouse unit occupied under a 10 year lease from 30/10/2012 at a rent of €10,200pa. The occupier is 'Pets Plus'.

Matters Agreed

1. The Areas

The agreed areas are:

Ground Floor - 256.36 sq. m.
Mezzanine - 45.54 sq. m.

2. Basis of Valuation

The parties agreed that as this was a revision case, the valuation of the property must be carried out in accordance with Section 49(1) of the Valuation Act 2001, Subsection (1) of Section 49 – ‘Tone of the List’.

The Evidence

Mr Halpin contended that traditionally values in Cobh were low and the Commissioner erred in placing such a value on the property. He further suggested that there was ‘limited demand for industrial units in Cobh’. He also suggested that the catchment for this commercial park was very much local and it should not be compared to Midleton, which was a much larger and more vibrant marketplace.

Mr Halpin described the areas as ‘Ground Floor’ and ‘First Floor Mezzanine’ (sic) without giving a user descriptor for the areas.

Mr Ogbebor, as previously stated, relied on the ‘Tone of the List’ to support the valuation placed on the property, as this is a revision case.

Comparables

A. The Appellant

Mr Halpin introduced 3 comparables:

- 1.** An Post, Cobh Commercial Park (PN 2211235).

This analyses at a rate of €34.16 per sq. m. and is described as ‘warehouse’. This is a helpful comparison which needs to be adjusted to reflect the retail warehouse use of the subject.

- 2 & 3.** Unit 2413 Euro Business Park PN 2196146 and Unit 2012/202 Harbour Point Business Park PN 2195547.

The Tribunal found these to be less helpful insofar as they are industrial buildings and not ‘similarly circumstanced’ to the subject.

B. The Respondent

Mr Ogbebor introduced 3 comparables:

- 1** Unit 8 Cobh Retail/Commercial Park (PN 2210370).

The Tribunal found this comparable helpful although there was evidence that the occupier at the time of the valuation had failed and the valuation went uncontested. The rate applied to the ground floor, retail warehouse, was €47.83 per sq. m.

- 2.** Unit 1 Market Green Retail Park, Midleton (PN 2194112) and
- 3.** Unit 5 Market Green Retail Park, Midleton, (PN 2197040).

These comparables are of retail warehouse units and were suggested as reflecting the Tone of the List for retail warehouses as being €47.83 per sq. m.

These latter 2 comparables were considered helpful, insofar as they are 'similarly circumstanced' to the subject albeit in a superior trading environment and location. As such, a downwards adjustment has to be made. Mr Ogbebor's evidence was that the uses carried on therein could be replicated in the subject premises.

Reasoning

The Tribunal regrets that further comparable evidence was not introduced by the parties to the appeal. The Members were left with limited evidence on which to base a decision but having considered the evidence, both written and oral, placed before them; having adjusted the available comparators to reflect location and relative strengths, the Tribunal is minded to apply a rate of €40 per sq. m. to the subject ground floor retail warehouse.

The parties were in agreement on a rate of €13.66 per sq. m. to be applied to the mezzanine level and the Tribunal adopts this level.

And The Tribunal so Determines