

Appeal No. VA93/2/007

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

Rathcoole Products Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Warehouse and Stores at Map Ref: 1Efg1F, Townland of Greenoge, E.D. Lucan -
Newcastle, R.D. Dublin - Belgard, Co. Dublin
Quantum

B E F O R E

Paul Butler

S.C. (Acting Chairman)

Brian O'Farrell

Valuer

Joe Carey

P.C. M.I.A.V.I.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 14TH DAY OF FEBRUARY, 1994

By Notice of Appeal dated the 17th day of May, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £411.00 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".

The Property

The property comprises approximately 60,000 square feet of warehousing space. Approximately 11,000 square feet of the space consists of conventional type warehousing while the remainder was formerly a purpose built mushroom farm and consists of "Nissen Hut" type buildings with concrete block walls and corrugated asbestos roofs.

All main services are connected to the property.

Valuation History

Prior to the revision of 1989 Lots 1Ef, 1Eg and 1/F Units 1, 4, 5, 7, 9 - 21, 23 and 24 were in agricultural use and had valuations of £27 and £16 to cover the parent lots of 1E and 1F. At the 1989 revision the individual units were valued separately and the total R.V. amounted to £210.00. This valuation was appealed and subsequently reduced to £151.00 at First Appeal. Lot 1F/62 comprised a number of warehouses and a yard. This lot was valued in 1989 at £315.00. This was appealed and reduced to £260.00 at First Appeal on the basis of a passing rent of £4,162.00 per month. In 1991, there was a revision request to revise, update and value any developments or alterations. The revising valuer amalgamated the individual valuations which resulted in a total valuation of £411.00. This figure was appealed but no change was made at first appeal and it is against this valuation that an appeal lies to the Tribunal.

Written Submissions

A written submission was received in the Valuation Tribunal on the 24th December, 1993 from Mr. Alan Mcmillan, an Associate of the Society of Chartered Surveyors and Director of Donal O'Buachalla & Company Limited on behalf of the appellant. A written submission was also received on the 20th December, 1993 from Mr. Colman Forkin, Chartered Valuation Surveyor with 12 years experience in the Valuation Office on behalf of the respondent.

These submissions are attached to this judgment as Appendices 1 and 2.

Oral Hearing

At the oral hearing before the Tribunal, held at Ormond House, Dublin 7 on the 7th January, 1994, the appellant was represented by Mr. Alan McMillan and the respondent was represented by Mr. Colman Forkin.

In his opening submissions, Mr. McMillan referred to his précis and confirmed that the subject hereditament represented an amalgam of 22 individual hereditaments which had previously been separately rated. He made the point that, now that one tenant occupied all of the 22 units comprising 60,000 square feet, the area agreed between the parties, a reasonable

landlord could not expect to obtain the same price per square foot as would be obtained from 22 smaller tenants. Moreover, the buildings which were constructed in the 1950's as a horticultural complex and used to grow mushrooms, were now decrepit, obsolescent, frail and structurally unstable due to deterioration of single skin asbestos roofing, etc.. Also there were only 15 feet passageways between most of the terraced, tunnel-type buildings, the floors of which had no damp course, were weak and subject to rising dampness due to a high water table and bad drainage systems. The buildings lacked flexibility of use, had no exclusivity, minimal toilet facilities, poor lighting, no heating and were located in the middle of an agricultural area. He held that the corrugated iron shed-type buildings were equally disadvantaged and he submitted photographs of the subject premises to assist the Tribunal. He cited *VA93/3/019 - Balcas (Kildare) Limited* as a comparison where rent of 50p per square foot was agreed between the appellant and respondent. Mr. Forkin however pointed out that the premises at Lot No. 1.F./62, which was the subject of a 1989 Appeal, had been rented to Fitzdoyle Warehousing Limited who paid a rent of almost £50,000 per annum to Rathcoole Products Limited for the premises and an R.V. of £260 at that time had been agreed with Mr. McMillan. It was accepted that the company afterwards went into liquidation and the tenancy reverted to Rathcoole Products Limited. He emphasised that the premises known as Lot 1.F/62 was better than the others and should attract a better rental value. He also advised that not much had changed since the 1991 revision with the remainder of the units except that the landlord let out the units on contracts rather than leases.

Findings

The Tribunal thanks both valuers for their assistance and comprehensive précis which helped to illustrate a most unique complex of associated premises. Clearly, the premises were mainly functionally obsolescent, with no plant, and considering the location and availability of better type accommodation, would be difficult to let in a hypothetical open market situation. Taking all the facts and considerations into account, the Tribunal is of the opinion that a fair and reasonable rateable valuation for the hereditament would be £315.00 and so determines.