

Appeal No. VA95/2/002

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

**North Dublin Cold Stores**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Cold Stores at Map Ref: 3E1, Townland: Lissenhall Great, District of Swords, E.D.  
Donabate, Co. Dublin  
Quantum - Coldstores, Market conditions

**B E F O R E**

**Fred Devlin**

**FRICS.ACI Arb. (Acting Chairman)**

**Brid Mimmagh**

**Solicitor**

**Marie Connellan**

**Solicitor**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 3RD DAY OF MAY, 1996**

By Notice of Appeal dated the 23rd May, 1995 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £800 on the above described hereditament.

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

- "(1) the valuation is excessive having regard to the net annual value.
- (2) the valuation is excessive having regard to other similar properties.

- (3) The property is located in a poorly designed and maintained estate with poor vehicular access.
- (4) the abolition of intervention has had a detrimental effect on lettability."

**The Property:**

The property comprises a purpose built cold store of insulated panel walls and roof on steel supports, re-inforced concrete floor, eaves height of c. 30 feet. It is located in the former Mallinson Wood Products complex on the northern end of Swords. The cooling plant is housed in an adjoining older building of single skin corrugated asbestos roof. Part of the building is also used for storage. A prefab office adjoins the cold stores. The property is held freehold.

**Valuation History:**

The property was first valued in 1993 at a rateable valuation of £590. An appeal was lodged with the Commissioner of Valuation and at First Appeal was increased to £800. It is against this figure that an appeal now lies to the Tribunal.

**Written Submission:**

A written submission was received on the 19th February, 1996 from Mr. Nicholas McAuliffe, ARICS of Kenneally McAuliffe, Surveyors, Rating Consultants, Valuers and Estate Agents on behalf of the appellant.

In the written submission, Mr. McAuliffe described the premises and its location. He set out the accommodation as follows:-

Cold Stores	c. 31,000sq.ft.	c. 2,880sq.m
Warehouse	c. 5,580sq.ft.	c. 511sq.m
Portacabin Office	c. 570sq.ft.	c. 53sq.m
Old Stores	c. 5,169sq.ft.	c. 480sq.m

Outside: Loading Bays and Truck Parking Area.

Mr. McAuliffe said that the decline in intervention in recent years left the owners of the subject property with little option but to convert the premises from cold stores to warehouse and manufacturing use. He said that a temporary letting for three years has been agreed with Irish Express Cargo since April, 1995. He said that the premises were only partly used since 1994. Mr. McAuliffe said that after two years without intervention purchases in Ireland it is unlikely that intervention purchases of any consequences would return. Mr. McAuliffe said that net annual value on the subject premises was dependent on a number of factors as follows:-

- (1) Commercial viability - due to the removal of intervention Mr. McAuliffe said that cold stores lie redundant throughout Ireland awaiting change of use to manufacturing or warehousing.
- (2) Ease of transport and access - property is situated in a little known Industrial Estate with narrow access.
- (3) The tone of the list has not been maintained as evidenced by comparisons which he supplied.

Mr. McAuliffe proposed the following valuation on the subject premises:-

Warehouse 1	31,000 sq.ft.	@ £2.35 per sq.ft.	= £72,850
Warehouse 2	5,500 sq.ft.	@ £2.00 per sq.ft.	= £11,000
Office	570 sq.ft.	@ £1.00 per sq.ft.	= £ 570
Old Store	5,169 sq.ft.	@ £0.50 per sq.ft.	= <u>£ 2,584.50</u>
			Total £87,0004
Less 15% for 1988			= £73,953.90
@ .63%			= £466

Mr. McAuliffe gave details of four comparisons which are set out at Appendix 1 to this judgement.

A written submission was received on the 21st February, 1996 from Mr. Noel Rooney, Dip E. Econ, a District Valuer with 24 years experience in the Valuation Office on behalf of the respondent.

In his written submission, Mr. Rooney described the subject premises, its tenure and valuation history as set out above. He set out the accommodation in similar terms to Mr. McAuliffe. Mr. Rooney proposed a rateable valuation as follows:-

**"Valuation:-**

Cold Stores	31,000ft <sup>2</sup>	@	£3.50 psf	=	£108,500.00
Loading Area	5,500ft <sup>2</sup>	@	£2.00 psf	=	£ 11,000.00
Store/Plant Room	5,169ft <sup>2</sup>	@	£1.30 psf	=	£ 6,719.70
Office	570ft <sup>2</sup>	@	£2.50 psf	=	<u>£ 1,425.00</u>
					<u>£127,644.70</u>
	N.A.V. £127,644.70	@	.63%	=	£804.16
			RV	=	£800.00"

In summary, Mr. Rooney said that the issues to be decided in this case were similar to those already considered by the Tribunal in *VA94/2/008 & VA94/2/009 - Autozero Limited v. Commissioner of Valuation* cold stores in Tallaght and Cabra. Mr. Rooney said that £3.50 per square foot rental on the subject cold store was reasonable when comparisons were taken into account. Mr. Rooney gave details of five comparisons in support of his valuation on the subject premises and these are set out in tabular form at Appendix 2 to this judgement.

**Oral Hearing:**

The oral hearing took place on the 1st day of March, 1996. At the oral hearing the appellant was represented by Mr. Nicholas McAuliffe and Mr. Noel Rooney represented the respondent.

Prior to the oral hearing the Tribunal received a written submission from both valuers and by mutual consent these submissions were adopted by each of them as being their evidence in chief given under oath.

Mr. McAuliffe referred the Tribunal to his written submission and traced the history of the intervention system. This particular property he said was purpose built to meet the demands

for cold storage accommodation in the late 1980's and early 1990's and was valued as a cold store. Due to the change in circumstances that had occurred in the market, the demand for cold storage facilities was greatly reduced. In this particular instance the owners had removed the refrigeration equipment and as a consequence the property was now only suitable for general warehouse use and indeed was occupied for this purpose.

Mr. Rooney in response to Mr. McAuliffe's oral statement pointed out that the valuation date was August, 1993. At the relevant date and indeed right through to 1994 the subject property was used for cold storage purposes. The circumstances in regard to this property were similar in all respects to that considered by the Valuation Tribunal in two previous cases viz.

***VA94/2/008 & VA94/2/009 - Autozero Limited v. Commissioner of Valuation.***

By comparison to other cold stores the valuation of the property was he said fair and reasonable and if anything on the low side.

In response to questions from the Tribunal, Mr. McAuliffe said that the premises were now let as a warehouse under a three year letting arrangement and the rent paid was in the order of £3.50 per square foot for approximately 34,000 square feet of accommodation. He further stated that in his opinion the appropriate net annual value of the property as a cold store was £90,000.

**Determination:**

Having regard to the evidence adduced at the oral hearing the Tribunal makes the following findings of fact:-

- (1) At the relevant date the hereditament was in use as a cold store.
- (2) The circumstances regarding the intervention market are identical to those considered by the Tribunal in the two cases referred to by Mr. Rooney.
- (3) Having regard to the comparisons submitted by Mr. Rooney his valuation of the subject hereditament appears to be fair and reasonable.
- (4) Mr. McAuliffe's opinion of net annual value, that is, £90,000 does not stand up to scrutiny and is not supported either by evidence submitted by him or that submitted by the respondent.

Having regard to the above, the Tribunal finds considerable merit in Mr. Rooney's evidence and accordingly affirms the rateable valuation of the property to be £800.