

Appeal No. VA97/6/033

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

Castlecool Ltd.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Cold stores at Lot No. 1, Drumillard Little (part of), ED: Ballybay Urban, RD:
Castleblayney Co. Monaghan
Quantum - Coldstores, Market conditions

B E F O R E

Con Guiney - Barrister at Law

Deputy Chairman

Barry Smyth - FRICS.FSCS

Member

Finian Brannigan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 24 DAY OF JUNE, 1998

By Notice of Appeal dated the 17th day of October 1997 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £500 on the above described hereditament.

The grounds of appeal as set out in said Notice are:-

“The valuation is excessive, inequitable and bad in law when rental levels and other factors are taken into consideration.”

The relevant valuation history is that the Local Authority in 1995/3 requested a revision of the subject premises and a rateable valuation of £500 was fixed. This was appealed in 1995/3 and the Commissioner of Valuation issued his decision leaving the valuation unchanged.

The premises comprises a purpose built cold stores with ancillary blast freezers, loading area, offices, plant rooms and yard/marshalling area located 1 mile north of Castleblayney on Monaghan to Derry Road.

A written submission prepared by Mr. Tadhg Donnelly of Brian Bagnall & Associates on behalf of the Appellant was received by the Tribunal on 13th May 1998. Mr. Donnelly's written submission stated that a fair rateable valuation of the subject premises would be £365. Mr. Donnelly's written submission contained a schedule of seven comparisons.

A written submission prepared by Mr. Patrick McMorrow, B.Ag.Sc.(Econ), G.Dip. P & D Economics, a Valuer in the Valuation Office on behalf of the Respondent was received by the Tribunal on 14th May 1998. Mr. McMorrow's written submission contained a schedule of three comparisons.

Arising from the written submissions the following areas had been agreed by the parties:

Offices	1,115 sq.ft.
Cold Store	24,474 sq.ft.
Loading Bay	5,986 sq.ft.
Plant Room	964 sq.ft.

The appeal proceeded by way of an oral hearing which took place in the Circuit Court, Monaghan on the 27th May 1998. In this case a written submission had been prepared by Mr. Tadhg Donnelly of Brian Bagnall & Associates. However at the hearing Mr. Brian Bagnall appeared as a witness for the Appellant. The Respondent was represented by Mr. Patrick McMorrow. Mr. McMorrow had no objection to the evidence being given by Mr. Bagnall.

In the course of the hearing it was established that portion of the office space described in the Respondent's submission as being mezzanine space, had not been included in the Appellant's submission. This space amounted to 1,115 sq.ft.. Mr. Bagnall accepted the inclusion of this space but he described it as storage space.

In his sworn testimony Mr. Bagnall dealt with the comparisons contained in the written submission prepared on behalf of the Appellant. Mr. Bagnall stated that the basis for his valuation of the subject premises were the Tribunal decisions in VA96/3/037 - Norish (Castleblayney) Limited and VA96/2/043 - Autozero Limited. In further evidence, Mr. Bagnall stated that what he had already described as mezzanine storage space, should be valued at £1 psf.

In his sworn testimony, Mr. McMorrow adopted his written submission as his evidence to the Tribunal. In his evidence he dealt with his comparisons. He stated that C. & M. Coldstores was his preferred comparison.

The Tribunal has considered the written submissions and the oral evidence given by both parties. The essence of the argument advanced by the Appellant was that the decision in VA96/3/037 - Norish (Castleblayney) Limited case and VA96/2/043 – Autozero Limited case, were the base lines from which he had produced his valuation. The Tribunal considers that the Norish and Autozero properties are very much larger than the subject premises and in fact are not a useful guide in arriving at a decision here. The Tribunal considers that in arriving at the decision it should start with the first comparison produced by the Respondent namely C & M Coldstores. The Tribunal has decided therefore that it will determine the NAV for the subject premises on the following basis:-

Cold Stores	:	24,474 sq.ft.	@	£3.00 psf	=	£73,422
Mezzanine	:	1,115 sq.ft.	@	£1.00 psf	=	£ 1,115
Loading	:	5,986 sq.ft.	@	£2.00 psf	=	£11,972
Plant Room	:	964 sq.ft	@	£1.50 psf	=	£ 1,446
Office	:	1,115 sq.ft.	@	£2.70 psf	=	£ 3,010

		NAV	=	£90,965
@ 0.5%	£454.825	Say RV	£	455

The Tribunal therefore determines the rateable valuation of the subject hereditament at £455.