

**Appeal No: VA19/5/1061**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2020  
VALUATION ACTS, 2001 - 2020**

**Crossvale Management**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

**In relation to the valuation of**

Property No. 2194610, Warehouse/Warerooms at 12B/Unit 3 Coes Road Industrial Estate,  
Dundalk, County Louth.

**B E F O R E**

**Barry Smyth – FRICS, FSCSI, MCI Arb**

**Deputy Chairperson**

**Donal Madigan – MRICS, MSCSI**

**Member**

**Caroline Murphy - BL**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**

**ISSUED ON THE 12 TH DAY OF APRIL 2022**

**1. THE APPEAL**

1.1 By Notice of Appeal received on the 14<sup>th</sup> day of October, 2019 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value ‘(the NAV)’ of the above relevant Property was fixed in the sum of €26,200.

1.2 The Grounds of Appeal are fully set out in the Notice of Appeal. Briefly stated they are:

1. *“The Valuation is excessive and inequitable.*
2. *“The Commissioner of Valuation does not appear to have taken account the rental levels achieved for the individual units in this old industrial complex*
3. *The areas of the property are not correct.*
4. *Valuation is excessive with regard to the tone of the list.*
5. *Opinion of value is €14,000.”*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €14,000.

2.

## **2. REVALUATION HISTORY**

2.1 On the 15<sup>th</sup> day of March, 2019 a copy of a valuation certificate proposed to be issued under section 24(1) of the Valuation Act 2001 (“the Act”) in relation to the Property was sent to the Appellant indicating a valuation of €31,200.

2.2 Being dissatisfied with the valuation proposed, representations were made to the valuation manager in relation to the valuation. Following consideration of those representations, the valuation of the Property was reduced to €26,200

2.3 A Final Valuation Certificate issued on the 10<sup>th</sup> day of September, 2019 stating a valuation of €26,200.

2.4 The date by reference to which the value of the property, the subject of this appeal, was determined is the 15<sup>th</sup> day of September, 2017.

## **3. THE HEARING**

3.1 The Appeal proceeded by way of an oral hearing held remotely, on the 13<sup>th</sup> day of December, 2021. At the hearing the Appellant was represented by Mr. Martin O’Donnell FRICS, FSCSI of CBRE and the Respondent was represented by Ms. Louise Hogan of the Valuation Office.

3.2 In accordance with the Rules of the Tribunal, the parties had exchanged their respective reports and précis of evidence prior to the commencement of the hearing and submitted them to the Tribunal. At the oral hearing, each witness, having affirmed, adopted his/her précis as their evidence-in-chief in addition to giving oral evidence.

3.3 Mr. O’Donnell and Ms Hogan had provided in their respective Precis of Evidence, Declarations in the standard form and a Statement of Truth in accordance with Rule 41 of the Valuation Tribunal (Appeals) Rules 2019, which became operational from 16<sup>th</sup> September 2019.

#### 4. FACTS

From the evidence adduced by the parties, the Tribunal finds the following facts:

4.1 The property is situated approx. 2.5Kms South-East of Dundalk town centre and approx. 4.5/5 KMs from Junction 18 of the M1 motorway;

4.2 The property comprises of a mainly single storey, but part two storey industrial workshop constructed on a steel frame with concrete block walls to a height of 1.6m and cladding thereafter and having a single skin corrugated asbestos roof. The offices and canteen are located on first floor over stores at ground level and are integral to the unit. There is an entrance to the front and another to the side with a canopy overhead;

4.3 The property is used as a truck coach body building and repair facility. It was formerly part of the United Beverage facility which is now subdivided into several (approximately ten) warehouse and workshop units. It is understood that Crossvale Management Limited (the Appellants) are the owners of this section of the estate;

4.4 The agreed floor areas and internal building heights are as follows:

		Floor Area	Eaves Height
Ground Floor	Workshop	351.16m <sup>2</sup>	5.3m
	Workshop	44.21m <sup>2</sup>	4.5m
	Stores	84.20m <sup>2</sup>	2.6m
First Floor	Stores/Offices/Canteen	73.95m <sup>2</sup>	
		553.52m <sup>2</sup>	
Canopy		25.00m <sup>2</sup>	
	<b>Total:</b>	<b>578.52m<sup>2</sup></b>	

4.5 The property is leasehold being held on an oral tenancy that commenced in 2014 and is on a monthly basis at an annual equivalent rent of € 16,074 per annum. It is understood that in addition to the rent that the Tenant pays a service charge to cover rates and insurance.

4.

## 5. ISSUES

The main issues in dispute between the Surveyors for the parties are the quantum of the valuation and the description of the property.

## 6. RELEVANT STATUTORY PROVISIONS:

6.1 The net annual value of the Property has to be determined in accordance with the provisions of section 48 (1) of the Act which provides as follows:

“The value of a relevant property shall be determined under this Act by estimating the net annual value of the property and the amount so estimated to be the net annual value of the property shall, accordingly, be its value.”

6.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the factors to be taken into account in calculating the net annual value:

“Subject to Section 50, for the purposes of this Act, “net annual value” means, in relation to a property, the rent for which, one year with another, the property might, in its actual state, be reasonably be expected to let from year to year, on the assumption that the probable annual cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that state, and all rates and other taxes in respect of the property, are borne by the tenant.”

## 7. APPELLANT’S CASE

7.1 Mr. Martin O’Donnell, for the Appellant, contended for a valuation of € 16,400 in his Precis which he revised at the hearing to a new valuation of € 16,800 to reflect a change in the floor areas (agreed between the respective Surveyors) and for inclusion of a canopy, not previously in his valuation, which he calculated as follows:

		€	
Property overall	553.52m <sup>2</sup> @ € 30.00 per m <sup>2</sup>	16,605.60	
Add for canopy	25.00m <sup>2</sup> @ € 7.50 per m <sup>2</sup>	<u>187.50</u>	
		16,793.10	say, € 16,800

Mr. O'Donnell referred to the description of the subject property as set out in his Precis which included photographs of the subject property. The unit is a basic workshop of steel frame construction with walls to approximately 1.6m and side cladding thereafter. The roof consists of old single skin asbestos. There is a second workshop within the building (block 2) with its own entrance accompanied by a row of stores (block 3). Over the stores there is a first-floor space consisting of three rooms used as an office, stores and canteen (block 4). The subject property is a working truck repair and body building facility in relatively basic condition as you would expect from its use.

7.2 In support of his valuation Mr. O'Donnell submits the following three Net Annual Value (NAV) tone of the list comparables:

1. Property Number 1281354

(Unit 17 North Link Business Park, Coes Road East, Dundalk)

This comprises a property of 4,821.59m<sup>2</sup> which is located just north of Coe's Industrial Estate.

This property is assessed at the NAV of € 197,600 which is calculated as follows:

Ground Floor	Factory	3,497.31m <sup>2</sup> @ € 41.00 per m <sup>2</sup>	143,389.71
	Offices	482.80m <sup>2</sup> @ € 41.00 per m <sup>2</sup>	19,794.80
	Store	625.48m <sup>2</sup> @ € 41.00 per m <sup>2</sup>	25,644.68
First Floor	Offices	216.00m <sup>2</sup> @ € 41.00 per m <sup>2</sup>	8,856.00
			197,685.19 say, € 197,600.

At the hearing Mr. O'Donnell drew attention to the fact that the photograph of the property in his Precis relates to a new building but that the above assessment relates to the former building on this site, as the Valuation Office records had not been updated to register an NAV for this new building and accordingly that he would only be relying on Comparables 2 & 3 in his Precis.

6.

## 2. Property Number 2188850

(Unit 27 North Link Business Park, Coes Road East, Dundalk )

This comprises a showroom and store of 1,513.55m<sup>2</sup> .

This property is assessed at the NAV of € 86,600 which is calculated as follows:

Ground Floor	Showroom	784.60m <sup>2</sup> @ € 60.00 per m <sup>2</sup>	47,076.00
	Store	34.38m <sup>2</sup> @ € 50.00 per m <sup>2</sup>	1,719.00
First Floor	Showroom	309.45m <sup>2</sup> @ € 60.00 per m <sup>2</sup>	18,567.00
	Store	385.12m <sup>2</sup> @ € 50.00 per m <sup>2</sup>	19,256.00

86,618 say, € 86,600.

## 3. Property Number 5019308

(Old Stable, Blackthorn Business Park, Coes Road East, Dundalk)

This comprises a workshop unit of 313.28m<sup>2</sup> .

This property is assessed at the NAV of € 17,230 which is calculated as follows:

Ground Floor Workshop 313.28m<sup>2</sup> @ € 55.00 per m<sup>2</sup> 17,230.40 say, € 17,230.

Under Cross Examination, Mr. O'Donnell agreed that the only market evidence he relied upon was the subject property itself and accepted that there was no lease in place. When it was put to him that this evidence could not be used as there was no lease, he said he did not accept that as the tenant is paying rent on a month-to-month basis and that it was not perfect evidence but it was important evidence.

When it was put to him that his first NAV comparable was a building eight times larger than the subject property and that was why it had been reduced and that the property has since been demolished, Mr. O'Donnell accepted that the property was not relevant and that he could not comment on what was there before and was only relying on his second and third comparables.

7.

7.3 In addition to his comparables, Mr. O'Donnell makes (in summary) the following points:

- (a) The subject property is an old-style truck repair and body building workshop, not a warehouse as described by the Commissioner of Valuation;
- (b) The subject property has a single skin asbestos roof which is unattractive to many tenants;
- (c) The subject property is part of a complex subdivided into ten units and lacks profile with low profile entrance to it;
- (d) The current rent is € 16,074 per annum which devalues to € 29.30 per m<sup>2</sup> and the tenant has been in occupation on an informal agreement since 2014 and during that time the rent of the property has not been increased and thus this represents the net annual value of the property;
- (e) At the valuation date the vacancy rate on this estate was 50%;
- (f) The two comparables relied upon have all profile to the Coes Road in contrast to the subject property and all have modern roofing materials unlike the subject;
- (g) The current description adopted by the Commissioner of Valuation in the Valuation List should be changed to "Industrial Workshop" (as opposed to "Warehouse").

**8. RESPONDENT'S CASE**

8.1 M/s Hogan, for the Respondent, contended for a valuation of € 27,800 corrected in her Precis from the current figure in the Valuation list (€ 26,200) because of the discovery of floor area differences from the original Valuation Office records on her inspection, and for the inclusion of a canopy, (not previously included) which she calculated as follows:

Ground Floor	Workshop	479.67m <sup>2</sup> @ €50.00 per m <sup>2</sup>	23,983.50
First Floor	Stores/Office	<u>73.95m<sup>2</sup></u> @ € 50.00 per m <sup>2</sup>	3,697.50
		553.52m <sup>2</sup>	
Canopy		25.00m <sup>2</sup> @ € 7.50 per m <sup>2</sup>	<u>187.50</u>
			27,868.50
			Say, € 27,800.

M/s Hogan referred the Tribunal to the description of the subject property as set out in her Precis of Evidence and to photographs of the subject property. The Subject Property is described as an industrial workshop of basic concrete blockwork construction with a single skin roof. Inside is an in-built two-storey store/workshop/office. There is an entrance to the front and another to the side with a basic canopy over the side entrance. The main structure is in fair condition and there is a two storey structure within a section of the building which is also of block construction and in fair condition.

8.2 In support of her valuation M/s Hogan submits the following four key rental transactions (as outlined in Appendix 1 to this Determination but only redacted versions set out hereunder) and seven Net Annual Value (NAV) tone of the list comparables:

#### 1. Key Rental Transaction

( Drogheda, Co. Louth)

The property comprises of offices and workshop of 327.82m<sup>2</sup> which is located approx. 39 Kms south of Dundalk on the Donore Industrial estate in Drogheda and which was let on a 4 year lease from 1<sup>st</sup> February 2016 at the rent of € 14,000 p.a. equating to a net equivalent rent at the valuation date of € 13,580 which is analysed as follows:

Ground Floor	Workshop	72.90m <sup>2</sup> @ € 44.50 per m <sup>2</sup>
	Office	127.80m <sup>2</sup> @ € 44.50 per m <sup>2</sup>
Mezzanine	Store	28.42m <sup>2</sup> @ € 8.90 per m <sup>2</sup>
First Floor	Offices	98.70m <sup>2</sup> @ € 44.50 per m <sup>2</sup>

This property is assessed at the NAV of € 15,250 which is calculated as follows:

Ground Floor	Workshop	72.90m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
	Office	127.80m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
Mezzanine	Store	28.42m <sup>2</sup> @ € 10.00 per m <sup>2</sup>
First Floor	Offices	98.70m <sup>2</sup> @ € 50.00 per m <sup>2</sup>



## 2. Key Rental Transaction

( Drogheda, Co. Louth)

This property comprises a store of 55.86m<sup>2</sup> which is located in Drogheda and which was let on a lease for a term of one year from 31<sup>st</sup> August 2018 at the rent of € 2,400 per annum reflecting a net equivalent rent of € 2,400 p.a. which analyses as follows:

Ground Floor Store            55.86m<sup>2</sup> @ € 42.96 per m<sup>2</sup>

This property is assessed at the NAV of € 2,900 which is calculated as follows:

Ground Floor Store            55.86m<sup>2</sup> @ € 52.00 per m<sup>2</sup>

## 3. Key Rental Transaction

( Business Park, Dundalk, Co. Louth)

This property comprises the first floor of an industrial unit of 435.88m<sup>2</sup> which was let on a lease for a term of 4 years and 9 months from 1<sup>st</sup> January, 2017 at the rent of € 21,540 per annum reflecting a net equivalent rent of € 19,638 which analyses as follows:

First Floor Industrial/Showroom    435.88m<sup>2</sup> @ € 45.05

This property is assessed at the NAV of € 28,700 which is calculated as follows:

First Floor Industrial/Showroom    435.88m<sup>2</sup> @ € 66.00 per m<sup>2</sup>

## 4. Key Rental Transaction

( Drogheda Industrial Park, Drogheda, Co. Louth)

This property comprises a warehouse unit of 238.34m<sup>2</sup> which was let on a 5 year lease from 1<sup>st</sup> January, 2017 at the rent of € 15,000 per annum which reflects a net equivalent rent of € 14,276 p.a. which is analysed as follows:

Ground Floor      Warehouse      238.34m<sup>2</sup> @ € 57.00 per m<sup>2</sup>

Mezzanine          Office            28.42m<sup>2</sup> @ € 22.80 per m<sup>2</sup>

This property is assessed at the NAV of € 13,730 which is calculated as follows:

Ground Floor      Warehouse      238.34m<sup>2</sup> @ € 55.00 per m<sup>2</sup>

Mezzanine          Office            28.42m<sup>2</sup> @ € 22.00 per m<sup>2</sup>

## 5. NAV Comparable Number 1. Property Number 1281301

(Unit 7CB/1 Coes Road Industrial Estate, Dundalk, Co. Louth)

This property comprises of a workshop on ground and first floors of 423.44m<sup>2</sup> which is assessed at the NAV of € 21,100 which is calculated as follows:

Ground Floor	Workshop	268.60m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
First Floor	Workshop	154.84m <sup>2</sup> @ € 50.00 per m <sup>2</sup>

## 6. NAV Comparable Number 2. Property 1281303

(Unit 7CB/3 Coes Road Industrial Estate, Dundalk, Co. Louth)

This property comprises a workshop unit with a total of 545.84m<sup>2</sup> which is assessed at the NAV of € 27,200, which is calculated as follows:

Ground Floor	Workshop	545.84m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
--------------	----------	---

## 7. NAV Comparable Number 3. Property Number 1281366

(Unit 25F, Coes Road Industrial Estate, Dundalk. Co. Louth)

This property comprises a workshop of 378.20m<sup>2</sup> which is assessed at the NAV of € 18,910 that is calculated as follows:

Ground Floor	Workshop	378.20m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
--------------	----------	---

## 8. NAV Comparable Number 4. Property Number 1281357

(Unit 25A/2 Coes Road Industrial Estate, Dundalk, Co. Louth)

This property comprises a workshop and offices of 273.60m<sup>2</sup> which is assessed at the NAV of € 13,680 that is calculated as follows:

Ground Floor	Office	47.19m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
	Store	28.71m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
	Workshop	197.70m <sup>2</sup> @ € 50.00 per m <sup>2</sup>

11.

9. NAV Comparable Number 5. Property Number 1281358

(Unit 25A/3 Coes Road Industrial Estate, Dundalk, Co. Louth.)

This property comprises of a workshop, store and offices of 337.60m<sup>2</sup> which is assessed at the NAV of € 14,320 that is calculated as follows:

Ground Floor	Workshop	209.06m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
	Store	38.50m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
	Office	26.04m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
Mezzanine	Store	64.00m <sup>2</sup> @ € 10.00 per m <sup>2</sup>

10. NAV Comparable Number 6. Property Number 1281325

(Unit 13Q Coes Road Industrial Estate, Dundalk, Co. Louth.)

This property comprises of a warehouse and store of 332.91m<sup>2</sup> which is assessed at the NAV of € 16,640 that is calculated as follows:

Ground Floor	Warehouse	305.47m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
	Store	27.44m <sup>2</sup> @ € 50.00 per m <sup>2</sup>

11. NAV Comparable Number 7. Property Number 5013988

(Unit 57 Brewery Business Park, Dundalk, Co. Louth.)

This property comprises of a store of 206.40m<sup>2</sup> which is assessed at the NAV of € 10,320 that is calculated as follows:

Ground Floor	Store	206.40m <sup>2</sup> @ € 50.00 per m <sup>2</sup>
--------------	-------	---

Under Cross Examination, when asked why she hadn't used buildings with older asbestos roofs, M/s Hogan said that they are all old buildings with older roofs but not all of them are asbestos. She confirmed that they were all older single skin roofs. In respect of market evidence, when it was put to her that all bar one of her Key Rental transactions were in Drogheda M/s. Hogan said the rental information available was low.

8.3 In addition to her comparables, M/s Hogan makes (in summary) the following points:

(a) The subject property has been valued in accordance with sections 19(5) and section 48 of the Valuation Act 2001 as amended;

(b) The process of Revaluation requires the collation and analysis of available market evidence to develop a scheme of valuation relying on various sources including the Revenue Commissioners stamp duty database, returns from rateable occupiers sec. 46 and from the Commercial Lease Register of the PSRA. Four items of rental evidence were used to form the basis of the net annual value in this case which are noted as Key Rental Transactions above. The collection of rental evidence is further refined by calculating Net Effective Rents (NERS) to provide the basis for the appropriate scheme of valuation to be applied to the group of properties sharing similar characteristics;

(c) In the case of the subject property the valuation level of € 50.00 per m<sup>2</sup> was applied being based on the scheme for old industrial buildings in industrial estates of similar location and size;

(d) Similar circumstanced properties are considered comparable and therefore in addition to rental evidence comparisons from the Valuation List are tabled to demonstrate that both correctness of value and equity and uniformity have been achieved in this case;

(e) The subject property is an old industrial unit of basic construction forming part of an industrial estate in Dundalk and these factors have been taken into account when adopting the valuation level of € 50.00 per m<sup>2</sup>;

(f) Seven NAV comparisons are put forward to show that the tone of the list is maintained by the application of this level of € 50.00 per m<sup>2</sup> and to all other similar circumstanced properties. There are 42 properties in the same category as the subject to which this level has been applied and only four (including the subject) have had their valuations appealed, which suggests that this level for similar old industrial workshops in Co. Louth is seen to be fair and equitable.

## **9. SUBMISSIONS**

There were no legal submissions in this case.

## **10. FINDINGS AND CONCLUSIONS**

10.1 On this appeal the Tribunal has to determine the value of the Property so as to achieve, insofar as is reasonably practical, a valuation that is correct and equitable so that the valuation of the Property as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Louth County Council.

10.2 The Appellant's Surveyor relies on the rental of the subject property plus two tone of the Valuation List comparables upon which to base his case, having advised during the course of the hearing that he only intended to rely on his NAV comparables No. 2 & No.3. No other information on lettings in the estate to provide further rental evidence was forthcoming. The rent of the subject property must be treated with caution as one rent alone is not conclusive evidence of value, especially as it was fixed some years before the valuation date and the full terms of that letting are not to hand. Notwithstanding that, in the absence of better rental evidence it is influential, as it pertains to the subject property and thus it is as an indicator of net annual value, albeit weighted carefully in the hierarchy of evidence. The Appellant's first NAV comparable relates to an older and much larger building (4,821.59m<sup>2</sup> versus the subject at 578.52m<sup>2</sup> including canopy) valued at €41.00 per m<sup>2</sup> overall, being for the former building on this site. The second NAV comparable relates to a showroom, primarily, of 1,513.55m<sup>2</sup> with ancillary space that is valued at € 60.00 per m<sup>2</sup> on the main showroom space. The Appellant's third NAV comparable is a similar sized workshop of 313.28m<sup>2</sup> that is valued at a unit value rate of € 55.00 per m<sup>2</sup>. This represents to the Tribunal a better quality, more modern type building than the subject. It is apparent from the evidence that the subject property does not have the benefits of these other buildings in so far as that can be established but is of more basic specification (as expected for workshops of this nature) than those other buildings with areas of varying headroom, basic facilities, an asbestos single skin roof and no real profile.

10.3 The Respondent put forward four Key Rental Transactions (KRTs) and the Tribunal would make the observation that the first is a building in Drogheda of 299.40m<sup>2</sup> that is 69% offices valued at an NAV reflecting € 50.00 per m<sup>2</sup> ; the second KRT is a store unit of only 55.86m<sup>2</sup> (approx. a tenth of the size of the subject) which is valued at an NAV reflecting € 52.00 per m<sup>2</sup> ; the third KRT, in Dundalk, is a leisure type use, first floor, of 435.88m<sup>2</sup> that is valued at an NAV reflecting € 66.00 per m<sup>2</sup> , and the fourth KRT, in Drogheda, is a gym of 266.76m<sup>2</sup> that is valued at an NAV reflecting € 55.00 per m<sup>2</sup> on the main space. The net effective rents derived from an analysis of the rents in each of the four KRTs gives unit value rates as follows:

KRT 1 € 44.50 per m<sup>2</sup> on principal space

KRT 2 € 42.96 per m<sup>2</sup>

KRT 3 € 45.05 per m<sup>2</sup>

KRT 4 € 57.00 per m<sup>2</sup> on principal space

The Tribunal has difficulty matching the net effective rents from the above four examples to form a discernible pattern from which to base or devise the Respondent's adopted unit value tone of € 50.00 per m<sup>2</sup> for the subject property as none is, in fact, a workshop.

The Tribunal notes that only one NAV assessment of the above KRT comparables was subject to representations and that was to reflect a change of use resulting in a recategorization of the property and a much lower valuation.

The Respondent submitted seven tone of the list comparables upon which the Tribunal makes the following comments:

NAV 1 Unit of 423.44m<sup>2</sup> assessed at NAV reflecting € 50.00 per m<sup>2</sup>

The Tribunal regards this as better than the subject property in terms of specification.

NAV 2 Unit of 545.84m<sup>2</sup> assessed at an NAV reflecting € 50.00 per m<sup>2</sup>

The Tribunal considers this better than the subject property in terms of specification.

NAV 3 Unit of 378.20m<sup>2</sup> assessed at an NAV reflecting € 50.00 per m<sup>2</sup>

The Tribunal considers this better than the subject property in terms of specification.

NAV 4 Unit of 273.60m<sup>2</sup> assessed at an NAV reflecting € 50.00 per m<sup>2</sup> overall

The Tribunal consider this better than the subject property in terms of specification.

NAV 5 Unit of 337.60m<sup>2</sup> assessed at an NAV reflecting € 50.00 per m<sup>2</sup> on main areas

The Tribunal considers this better than the subject property in terms of specification.

NAV 6 Unit of 332.91m<sup>2</sup> assessed at an NAV reflecting € 50.00 per m<sup>2</sup>

The Tribunal considers this better than the subject property in terms of specification.

NAV 7 Unit of 206.40m<sup>2</sup> assessed at an NAV reflecting € 50.00 per m<sup>2</sup>

The Tribunal considers this better than the subject property in terms of specification.

The Tribunal notes that only one of the above NAV comparables was subject to representations being, No. 7, and it is understood that the valuation was not changed on that occasion.

10.4 Having considered all of the evidence, the only relevant item of rental information for a basic workshop submitted is, in the view of the Tribunal, the rent on the subject property at € 16,074 per annum. That rent devalues (on the agreed floor area) to show a unit value rate (as at 2014) of € 29.02 per m<sup>2</sup> excluding the canopy. The Respondent's KRTs are not of workshops and applying unit value rates for those different uses to the subject is not considered to be appropriate. These KRTs indicate rental levels for uses that would generally be considered more valuable than workshop rents.

10.5 As regards comparative NAV unit values, the Appellant offers No. 1 in his Precis, albeit not the building in the photograph, which devalues at € 41.00 per m<sup>2</sup> for a significantly larger building and two others that devalue at € 55.00-€ 60.00 per m<sup>2</sup>. The Respondent submits a total of 11 comparables (4 X KRT and 7 X NAV) which are all assessed between € 50.00 & € 60.00 per m<sup>2</sup> but mainly at € 50.00 per m<sup>2</sup>.

10.6 In this Revaluation type appeal, as in this case, the Tribunal must be careful not to allow uniformity of valuing to attain primacy over correctness of value and in this regard rental evidence, such as may exist, must be considered as well as the emerging tone of the Valuation List that can be ascertained from an analysis of comparable assessments. In the early stages of a Valuation List the acceptability of the tone of unit values adopted by the Commissioner of Valuation must be carefully examined and evaluated to see if this is established from the result of occupiers' representations, agreed settlements with professional agents and Tribunal determinations.

10.7 The Tribunal notes that both Surveyors described the subject property as an industrial workshop. The Respondent's revised valuation refers to the subject property as a Workshop and not Warehouse. The characteristics of this property place it in the category of a basic workshop and not as described in the Valuation List as a warehouse. These characteristics further set this apart from the comparables, in the view of the Tribunal, to take account of basic specification, varying headroom, single skin asbestos roof and lack of profile.

10.8 Taking all the evidence as outlined and reviewed above, the Tribunal considers that the hypothetical Tenant postulated in Sec. 48(3) of the Valuation Act 2001, as amended, in considering taking a tenancy of the subject unit, vacant and to let, would seek to obtain a discount to reflect the disadvantages of this unit in comparison to the general prevailing unit value rate from other assessments as portrayed in the respective Precis of Evidence of both Appellant and Respondent.

Therefore, the Tribunal believes, taking all the relevant factors into account, that a unit value rate of € 45.00 per m<sup>2</sup> is appropriate to apply in this case, along with the addition of the canopy at the agreed unit value rate of € 7.50 per m<sup>2</sup>. Whilst it is accepted that this unit value rate is much higher than the historic passing rent, it will be evident that it follows on from the NAV evidence submitted by the Appellant, in No. 1 (a larger building) and, is in keeping with but at a small discount to, the comparable assessments of similarly located, but altogether better specification buildings.

**DETERMINATION:**

Accordingly, for the above reasons, the Tribunal allows the appeal, amends the description of the appeal property in the Valuation Certificate to Industrial Uses-Workshop and decreases the valuation of the appeal property to € 25,000 which is calculated as follows:

Industrial Workshop	553.52m <sup>2</sup> @ €45.00 per m <sup>2</sup>	24,908.40
	(incl first floor offices)	
Canopy	25.00m <sup>2</sup> @ € 7.50 per m <sup>2</sup>	<u>187.50</u>
		25,095.90 say, € 25,000.

And the Tribunal so determines.