

**Appeal No: VA17/5/679**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2015  
VALUATION ACTS, 2001 - 2015**

**LONG MILE MOTORS**

**APPELLANT**

**AND**

**COMMISSIONER OF VALUATION**

**RESPONDENT**

**In relation to the valuation of**

Property No. 2164551, Industrial Uses at Part of Unit 5 Motokov Complex, Long Mile Road,  
County Dublin.

**B E F O R E**

**Rory Hanniffy - BL**

**Deputy Chairperson**

**Liam G. Daly – MSCSI, MRICS**

**Member**

**Allen Morgan – FSCSI, FRICS**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**

**ISSUED ON THE 26 TH DAY OF MAY 2022**

**1. THE APPEAL**

1.1 By Notice of Appeal received on the 12<sup>th</sup> day of October, 2017 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 €15,140.

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

- The Valuations are excessive and inequitable.
- The Valuations are not in line with the subjects' actual rental value.
- The Valuations conflict with rental evidence from within the site and all of the remaining tone of the list evidence from the site.

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €4,290.

## **2. REVALUATION HISTORY**

2.1 On the 25<sup>th</sup> day of May, 2017 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 €15,140.

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 manager did it not consider it appropriate to provide for a lower valuation.

2.3 A Final Valuation Certificate issued on the 7<sup>th</sup> day of September, 2017 stating a valuation of €15,140.

2.4 The date by reference to which the value of the property, the subject of this appeal, was determined is the 30<sup>th</sup> day of October, 2015.

## **3. THE HEARING**

3.1 The Appeal proceeded by way of a remote hearing on the 18<sup>th</sup> day of September 2020. The Appeal was heard together with Appeal numbers VA 17/5/681 and VA 17/5/687, which said properties are located in the same complex as the subject property. Much of the evidence and submissions advanced before the Tribunal was relevant to all three appeals, although there was some comparison evidence and submissions specific to each appeal. The general thrust of the grounds of appeal were however consistent to all three properties. At the hearing the Appellant was represented by Mr Eamonn Halpin BSc (Surveying), MRICS, MSCSI and the Respondent was represented by Mr Liam Diskin BSc (Prop Mgmt. & Investment) 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 taken the oath, adopted his précis as his evidence-in-chief in addition to giving oral evidence.

#### **4. FACTS**

4.1 From the evidence adduced by the parties, the Tribunal finds the following facts.

##### 4.2 Location

The subject property is located approximately 5 miles from Dublin city centre, in the former Motokov Complex, adjacent to the westbound carriageway of the R110 (Naas Road), with access from the Long Mile Road only. The property is situated within a former larger motor showroom complex which was subsequently subdivided into 6 no. separate commercial properties (all providing services connected to the motor trade).

##### 4.3 Description

The property comprises a yard used for the display/sale of motor vehicles and includes a tenant's improvement in the form of a Portacabin.

##### 4.4 Tenure

From 1/4/2014 the subject property was reportedly rented on a rolling month to month lease at €400 per month., exclusive of VAT. Nett rent €4,800 p.a. (Source: C. Duffy Properties)

##### 4.5 Accommodation (agreed)

<b>Accommodation</b>	<b>M<sup>2</sup></b>
<b>Portakabin</b>	<b>18.30</b>
<b>Yard</b>	<b>589.70</b>

#### **5. ISSUES**

As stated at 1.2 above, the primary issue is one of quantum of the Net Annual Value.

## **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 The Appellant’s witness, Mr Halpin, adopted his precis of evidence as his evidence in chief. He contended that the Respondent’s assessment of NAV is excessive, inequitable and not in line with its actual rental value.

7.2 Mr. Halpin argued in his written evidence that the landlocked nature of the property and its lack of access to the Naas Road (the site can only be accessed from the Long Mile Road) are major constraints. He also highlighted that the property was leased on a standalone basis, the temporary building being added by the tenant.

7.3 Using the accepted Lisney Industrial Index, Mr Halpin has estimated the equivalent NER at the valuation date of 31 October 2015 to be in the region of €5,439 p.a., from which he derived an NER of €9.07per sqm for the yard area.

7.4 Mr. Halpin stated that having regard to the Appellant's five Key Rental Transactions (KRT), the subject property's NER at the valuation date is in line with the NER valuations of yard areas at the same location/site.

7.5 He asserted that arguably the best yard in the Naas Road area, occupied by a main commercial vehicle dealership, is valued at €3.50 per sqm in contrast to the fact that the Commissioner is intending to value the subject property at €25 per sqm, equivalent to 715% more. The Tribunal do however note that the yard referred to by Mr Halpin is not a stand-alone yard, but ancillary to substantial buildings.

7.6 The Tribunal noted that Mr Halpin agreed with what he called "the Commissioner's theory" that standalone yards with no buildings could be more valuable than yards with associated buildings (as set out in VA17/5/682 and 684), however he contended that the subject property is landlocked and only accessible from the Long Mile Road. Mr Halpin further asserted that such a premium was not backed up by the rental evidence on site.

7.7 Mr. Halpin referred to two Tribunal cases, VA17/5/632 and 634, and VA17/5/648, which in his view supported both the Commissioner and the Appellant's evidence, that suggest that the above-mentioned range of NER levels at this location are sustainable.

7.8 In concluding his evidence in chief, Mr Halpin set out that the Appellant is seeking a NAV in line with the passing rent and the emerging 'tone of the list' for comparable properties.

#### 7.9 Rental Comparisons:

Mr Halpin relied upon five rental comparisons, four of which were situated in the same complex as the subject property, to contextualise his opinion that the Respondent's assessment of NAV of the subject property is excessive:

#### **Comparison 1** - Unit 4A, The Motokov Complex, Naas Road

Located on the same site as the subject property, this property is held on a 5-year FRI lease from 1<sup>st</sup> March 2017 at €65,000 per annum, inclusive of rates, on the front yard section only. Indexation by way of the Lisney Industrial Index back to the valuation date of 31<sup>st</sup> October 2015, gives an NER of €48,378, which Mr Halpin devalues as follows:

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Showroom	372.76	€54
Store	156.33	€45
Portakabin	32	€22
Yard (front)	2,000	€6
Yard (rear)	1,434	€6

Following appeal to a separate Tribunal (see **VA17/682 and 684**), the NAV was determined to be as follows:

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Showroom	372.76	€54
Store	156.33	€45
Portakabin	32	€22
Yard (front)	2,000	€10
Yard (rear)	1,434	€6

#### **Comparison 2 - Unit 4C, The Motokov Complex, Naas Road**

Located on the same site as the subject property, this standalone yard is held on a rolling month to month letting from 1<sup>st</sup> May 2015 at €400/month with an NER of €4,800pa. Indexation by way of the Lisney Industrial Index back to the valuation date of 31<sup>st</sup> October 2015, gives an NER of €4,745.

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Yard	713	6.65

The Commissioners estimate of NAV, (which is under appeal) is as follows:

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Yard	713	25.00

### Comparison 3 – Unit, The Motokov Complex, Naas Road

Located on the same site as the subject property, this property is held on a rolling month to month lease at €600/month exclusive of VAT. Indexation by way of the Lisney Industrial Index back to the valuation date of 31st October 2015, gives an NER of €5,881 which Mr Halpin devalues as follows:

Description	M <sup>2</sup>	€/ M <sup>2</sup>
Store	26.98	30.00
Portakabin	37.20	-
Yard	991.82	5.10

The Commissioners estimate of NAV, (which is under appeal - see VA 17/5/681) is as follows:

Description	M <sup>2</sup>	€/ M <sup>2</sup>
Store	26.98	30.00
Portakabin	37.20	22.00
Yard	991.82	25.00

### Comparison 4 – 3 Clondalkin Business Centre, Clondalkin

Located 2.5 km from the subject property, this property is held on a 10-year lease from September 2017 for €12,000pa. Mr Halpin asserts that the NER devalues as follows:

Description	M <sup>2</sup>	€/ M <sup>2</sup>
Yard	2,000	6.00

The NAV set by the Commissioner is €20,000, which Mr Halpin devalues as follows:

Description	M <sup>2</sup>	€/ M <sup>2</sup>
Yard	2,000	10.00

### Comparison 5 - Units 2 and 3, The Motokov Complex, Naas Road

Located on the same site as the subject property, this property is held on a 1-year lease from 2015 at €41,200 per annum. Mr Halpin estimates that the NER devalues as follows:

Description	M <sup>2</sup>	€/ M <sup>2</sup>
Workshop	283.88	42.00
Office	18.30	42.00

Warehouse	624.68	42.00
Store	22.75	42.00
Yard	252.00	5.20

Mr Halpin also stated that the NAV of €45,460 closely mirrored the Rent of €41,200pa. While it is in two separate sections, A and B, the analysis is as follows:

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Workshop A	283.88	50.00
Office A	18.30	50.00
Yard A	252.00	5.00
Warehouse B	624.68	45.00
Store B	22.75	45.00

#### 7.10 'Tone of the List' Comparisons:

##### **No. 1. A Car parts sales business, Long Mile Road Dublin 12 - NAV €58,300**

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Workshop	385.00	57.15
Store	501.64	45.00
Mezz store	296.43	9.00
Yard (Concrete/Tarmac)	2,457	4.50

This premises adjoins the subject property and Mr Halpin argues that it is absurd that the yard in this instance is valued at €4.50/ M<sup>2</sup> whereas the yard for the subject property can be valued at €25.00/ M<sup>2</sup>.

##### **No. 2: Car Dealership, Naas Road Dublin 12 – NAV €21,600.**

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Offices	47.76	45.00



Warehouse	380.38	45.00
Yard	530.00	4.50

Mr Halpin asserts that it is not equitable for a yard with Naas Road frontage to be valued at €4.50/ M<sup>2</sup> whereas €25.00/ M<sup>2</sup> is being applied to the subject property.

**No. 3: Commercial Vehicle Sales Premises, Naas Road, Dublin 12 - - NAV €351,000.**

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Offices	245.75	35.00
1 <sup>st</sup> floor offices	225.85	35.00
Warehouse	6,595.50	35.00
Portacabin	275.27	14.00
Yard	28,584	3.50

Mr Halpin argues that this property, being one of the most recognisable sales and display sites in the country, has a better profile than the subject property, yet it is valued at €3.50/ M<sup>2</sup> whereas the yard in the subject premises had been valued by the Commissioner at €25.00/ M<sup>2</sup>.

**No. 4 –Naas Road, Dublin 12 – NAV €37,500 and €28,000**

PN 409381

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Yard (concrete/Tarmac)	3,300	10.00
Canopy	24	6.00
Steel container	72.60	8.00
Workshop	78	40.00
1 <sup>st</sup> floor offices	9	40.00

PN 5002326

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/ M<sup>2</sup></b>
Yard (hardcore)	5,600	5.00

Mr Halpin pointed out that this property is located 1200 m from the subject property and has been classified by the Commissioner as “yard-stand-alone”.

**No. 5 - Industrial Unit, Robinhood Road Dublin 12. Stated NAV €3,480\*\***

\*\* Computational error noted in appellant’s precis which should read €3,360

Description	M <sup>2</sup>	€/ M <sup>2</sup>
Yard (Hardcore)	560	6.00

Mr Halpin stated that this comparison property had previously been valued at €20.00/ M<sup>2</sup> but a previous Tribunal had reduced same by 70%. Mr Halpin emphasised the relevance, in his view, of the Tribunal’s decision in this case to the subject property.:

**No. 6. Wholesale Car Dealership, Robinhood Road, Dublin 12 – NAV €17,400**

Description	M <sup>2</sup>	€/ M <sup>2</sup>
Office(s)	52.08	54.00
Store	68.20	45.00
Yard (Concrete/Tarmac)	560	54.00

Mr Halpin indicated that this property is located 150m from the subject premises and pointed out that no value was attributed to the yard in front of the property.

7.11 Mr Halpin submitted in his evidence that this property and the two other similar properties under appeal have largely similar characteristics, other than slight adjustments to NAV, depending on their location within the former Motokov complex. He stated that he does not believe that the Commissioner is treating each property in a fair manner, his contention being that the rates assessed for larger properties are cheaper pro rata than smaller ones.

7.12 Of the Appellant's six ‘tone of the list’ comparisons, four were located in the immediate vicinity of the subject property, with the remaining two being located in Dublin 12. Yard sizes

varied between 500 sqms to 28,000 sqms, three of which lie in the range of 1,600 to 5,600 sqms, with NAV's ranging from €3.50-€12.00 per sqm.

7.13 Mr. Halpin asserted in evidence that the assessment of NAV of the subject property advanced by the Commissioner did not reflect or tally with the available rental evidence, particularly by reference to NER analysis of four other properties within the same complex, three of which are under appeal, given the disparity between the current NAV and the rent being paid. Mr. Halpin stated that the actual rent reportedly being paid for three other properties within the same Motokov complex do not support 'the tone of the list' comparisons advanced by the Commissioner.

7.14 Mr. Halpin concluded his evidence-in-chief by stating that the Appellants are seeking to have the NAV of the three subject properties determined in line with the passing rent and with the emerging 'tone of the list' of comparable properties. He then contended for the following NAV of the subject property:

**VA/17/5/679 Part of Unit 5 Motokov complex, Long Mile Road, Dublin 12**

<b>Accommodation</b>	<b>M<sup>2</sup></b>	<b>€/M<sup>2</sup></b>	<b>NAV</b>
Portakabin	18.3	€12	€220
Yard	589.7	€9.00	€5,307
		<b>Total</b>	<b>€5,527</b>
			<b>Say €5,520</b>

7.15 Mr Halpin accepted under cross examination by Mr Diskin that the Appellant's Comparison 1 property was not a stand-alone yard but encompassed buildings. He further accepted that the yard in the Appellant's comparison 2 property was larger than that of the subject property however he pointed out that the yard is smaller than that in the Appellant's comparison 1 property.

7.16 Mr Halpin again acknowledged that the Appellant's fifth comparison property was not a standalone yard however he pointed out that it was also part of the same Motokov complex.

7.17 Turning to the Appellant's 'tone of the list' comparative evidence, Mr Halpin again accepted under cross examination that Property 1 was not a standalone yard but also pointed out that Property 4, a car-breakers yard on the Naas Road, was an example of where the rent could actually reduce as buildings were added to a standalone yard.

7.18 Mr Halpin also accepted that Property 2 was not a standalone yard but pointed out that the yard area fronts the same section of the Naas Road as the subject property and forms part of the same complex as the subject, yet it did not appear to have any premium applied to its showroom.

7.19 Mr Halpin agreed with Mr Diskin that Property 3, the largest of the Appellant's 'tone of the list' properties, was not a standalone yard but pointed out that the yard is still a significant component to the value of the property and yet was valued in the list at €3 per sqm.

7.20 Whilst Mr Halpin agreed that both yards in Property 4, a car-breakers yards on the Naas Road, are larger than the subject property, he indicated that in his opinion Property 4 was situate in a superior location and yet valued significantly lower than the subject property. He also repeated that the hard-cored yard had been offered for rent on the open market in 2017 at an asking rent equating to €3.20 per sqm yet failed to find a tenant.

## **8. RESPONDENT'S CASE**

8.1 Mr Diskin, the Respondent's witness, stated that he was also adopting his précis of evidence as his evidence-in-chief, and stated that he was presenting this in relation to all three properties under appeal. Other than emphasising that the three properties under appeal are stand-alone yards and that another yard valued at €25 per sqm had not been appealed to the Tribunal, Mr Diskin was happy to stand on his précis of evidence.

8.2 As part of his Précis of Evidence, Mr Diskin advanced five Key Rental Transactions (KRT) as shown in Appendix 1.

8.3 Mr Diskin also advanced the following five Tone of the List comparisons:

### **Comp. No.1 Part of Motokov Complex – Standalone Yard**

Level	Use	M <sup>2</sup>	NAV / €M <sup>2</sup>	NAV €
0	Yard (concrete/tarmac)	547.00	25.00	€13,675.00

**Comp No. 2 Naas Road, Clondalkin. Offices/Workshop/Yard c.1km from subject property**

Level	Use	M <sup>2</sup>	NAV / €M <sup>2</sup>	NAV €
0	Offices	28.72	55.00	€1,579.60
0	Workshop	36.00	55.00	€1,980.00
0	Yard (concrete/tarmac)	226.80	25.00	€5,670.00
	<b>Total NAV</b>			<b>€9,229.60, say €9,220.00</b>

**Comp. No. 3 Naas Road Clondalkin – Standalone Yard. Raised display area on Naas Road. Located on neighbouring site to subject properties.**

Level	Use	M <sup>2</sup>	NAV / €M <sup>2</sup>	NAV €
0	Yard (concrete/tar)	801	25.00	€20,025.00

**Comp No. 4 Robinhood Industrial Estate Clondalkin - Standalone Yard. c.300m from subject property**

Level	Use	M <sup>2</sup>	NAV / €M <sup>2</sup>	NAV €
0	Yard (standalone)	99.20	25.00	€2,480.00

**Comp. No. 5 Naas Road Car Auctions Complex, Naas Road. Located c.2km from subject property.**

Level	Use	M <sup>2</sup>	NAV / €M <sup>2</sup>	NAV €
	Portakabin	22.50	22.00	€495.00
0	Yard (Concrete/Tarmac)	1,292.00	25.00	€32,300.00
	<b>Total NAV</b>			<b>€32,795.00, say €32,700</b>

The Respondent requested the Tribunal to affirm the NAV of €15,140, assessed as follows:

**VA17/5/679 -PN2164551**

<b>Accommodation</b>	<b>M<sup>2</sup></b>	<b>€/M<sup>2</sup></b>	<b>NAV</b>
Yard	589.70	€25.00	€14,742.50
Portakabin	18.30	€22.00	€402.60
		<b>Total NAV</b>	<b>€15,145.10</b>
		<b>SAY</b>	<b>€15,140.00</b>

8.4 Under cross examination, Mr Diskin argued that each case must be considered on its own merits. He indicated that he did not feel it necessary to review his valuation and referenced the Commissioner's NAV Comparison 1, which was valued at €25 per sqm and had not been appealed. He further stated that there were multiple properties across South Dublin rated at €25 per sqm without appeal.

8.5 When asked to comment upon the Tribunal decision in VA 17/5/648 Shamrock Foods, he confirmed that he accepted the Tribunal's decision but submitted that in his view this was a 'one-off'.

8.6 Mr Diskin accepted Mr Halpin's contention that many rental arrangements for standalone yards are often casual in nature, in contrast to the rental of office units, however he pointed out that there were also many examples of long-term leases.

8.7 In response to Mr Halpin's contention that there was a 'lack of depth' to the Commissioner's Key Rental Transaction evidence, Mr Diskin stated that thirteen pieces of market evidence had been analysed relating to the subject property and that following representations some additional evidence had been supplied, but that it was 'only scant' (4 pieces), not viewed as significant and therefore no amendment was made to the Commissioner's assessment. Mr Diskin stated that only a minority of standalone yards (10%) were appealed. He said that he was happy to take on board any Tribunal decisions but that other stronger evidence was available.

8.8 Mr Diskin rejected the contention that rental evidence had been dismissed but stated that in circumstances where same consisted of rolling rents, such evidence was not sufficiently strong in the hierarchy of evidence considered.

8.9 Mr Diskin accepted that location and size of a property can have a significant impact on value and pointed out that for properties of under 1,000sqms, a certain NAV is applied, whilst larger properties measuring up to 2,000 sqms are valued at €10 per sqm.

8.10 Mr Diskin rejected Mr Halpin's suggestion that the Respondent's KRT 2 was in a superior location, describing same as similarly circumstanced. Mr Diskin neither accepted nor rejected the proposition that it was not possible to see any cars parked in either of the three subject properties from the Naas Road.

8.11 When quizzed by Mr Halpin about the general lack of visibility of the three properties, Mr Diskin rejected this was a drawback confined only to the subject properties. In support of his contention, he pointed to his KRT 1 at Lucan Road, Balgaddy, which he argued has a similar locational profile.

8.12 Mr Diskin accepted that the Commissioner had in some cases applied a lower NAV than the actual rent being paid by the tenant. He also accepted that the rental evidence on the subject properties only came to light at the Representations stage but were not considered significant enough to alter the Commissioner's view of the appropriate NAV. He further accepted that it was somewhat unusual that only one property on the site had not been appealed.

8.13 In summing up the Appellant's case, Mr. Halpin stated that the nature of the rental market for standalone yards generally involves short-term leases, whilst longer leases were rare. He urged the Tribunal to bear in mind that three subject properties are co-located and similarly circumstanced and that the Commissioner cannot ignore the actual rents being achieved on site in preference to more remote examples.

8.14 In summing up the Respondent's case, Mr. Diskin emphasised the stand-alone nature of the yards. He contended that the general consensus across the rating area was to accept a valuation of €25 per sqm in respect of standalone yards. He stated that in arriving at the valuation, the Commissioner had drawn from a broad range of comparable properties, with a

particular focus on stand-alone yards, whereas Mr Halpin had sought to equate ancillary space with yard space.

8.15 He stated that the Commissioner's NAV comparisons are all within 2 kms of the subject property, and that an NAV rate of €25 per sqm, were applied to all yard of less than 2,000 sqm.

## **9. SUBMISSIONS**

9.1 There were no legal submissions raised.

## **10. FINDINGS AND CONCLUSIONS**

10.1 In 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 South Dublin County Council.

10.2 The issue that arises in this appeal is the quantum of value of the subject property and specifically the rate per square metre to be applied to the property.

10.3 The Tribunal note that while Mr Halpin has sought to differentiate the three relevant properties and has therefore contended for three different rates per sqm, the Tribunal are satisfied there is insufficient evidence to support such an approach. The Tribunal note that all three properties are located within the one complex and whilst evidence has been advanced regarding the visibility of the properties to the adjacent thoroughfares, the Tribunal are not satisfied that such evidence supports the contention that one property is sufficiently disadvantaged over the other.

10.4 In arriving at its decision, the Tribunal have had regard to all rental evidence, including the rental evidence provided in respect of the subject properties. The Tribunal have also had regard to all comparison or "Tone of the List" properties. That said, the Tribunal recognise and accept that the subject property is comprised of a stand-alone yard, which is separate and distinct from properties comprised of showroom buildings or workshops, with yards which are ancillary thereto. This Tribunal adopts a similar approach to that enunciated by the Tribunal in VA17/5/648 of not attaching significant weight to comparison properties put forward by both sides, which have yards that are held in conjunction with showrooms or workshop buildings.



10.5 In this regard, and upon reviewing all of the rental evidence provided by both parties, and accepting as we do that stand-alone yard properties are distinctive entities, the Tribunal share the view of the Tribunal in VA 17/5/648 that significant weight should be attached to the Appellant's rental comparison property number 4, situate in Clondalkin Business Centre. The Tribunal do so in circumstances where unlike much of the other rental evidence, this property is comprised of a stand-alone tarmac yard. The Tribunal also note that unlike the subject properties, which are held on rolling month to month leases, the Clondalkin Business Centre is held on a 10-year lease which commenced in September 2017.

10.6 While the Tribunal note that none of the Respondent's five KRT properties submitted are subject to a Valuation Tribunal appeal, the first three properties are not stand-alone yards and are therefore in the view of the Tribunal not sufficiently similarly circumstanced. KRT properties 4 and 5 are comprised of hard-core yards together with a steel container and portacabin respectively.

10.7 Having considered all of the evidence adduced, the Tribunal acknowledges the Valuation Office's contention that there is a 'dearth of evidence' in the category of property, resulting in a cumbersome collection of comparable evidence with differing characteristics. The Tribunal however is of the opinion that this is not unique to the subject property. Property by its very nature is heterogenous. In this instance the Valuation Office has failed to interpret these variances correctly in arriving at the appropriate NAV. Therefore, the Tribunal finds that the rental value of a concrete or tarmac surfaced yard in the general area of the subject property, as at the valuation date, was €15 per sqm.

10.8 Neither party addressed the Tribunal during the hearing with regard to the valuation which should be applied to the portacabin. The Tribunal have reviewed both parties' précis of evidence and specifically examined all comparison evidence in respect of portacabins. It seems to the Tribunal that the emerging tone of the list supports the Commissioner's valuation of €22 per sqm. Bearing in mind that the burden of proof at all times rests upon the Appellant, the Tribunal are not satisfied that the Appellant has adduced evidence to merit an alteration of the valuation applied in respect of the portacabin.

**DETERMINATION:**

Accordingly, for the above reasons, the Tribunal allows the appeal and decreases the valuation of Property, as stated in the valuation certificate to **€9,240.00**

<b>Description</b>	<b>M<sup>2</sup></b>	<b>€/M<sup>2</sup></b>	<b>€</b>
Portacabin	18.3	€22.00	€402.60
Yard	589.70	€15.00	€8,845.50
<b>Total NAV</b>			<b>€9,248.10</b>
			<b>Say €9,240.00</b>

And the Tribunal so determines.

