

Appeal No: VA20/4/0020

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

RICHARD QUANE T/A QUANE DAIRY SERVICES

APPELLANT

AND

COMMISSIONER OF VALUATION

RESPONDENT

In relation to the valuation of

Property No. 5020463, Property Type: Workshop, Address of Property: 1B2AEa/1 Ballyclogh,
Kilworth, County Cork

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 22ND DAY OF NOVEMBER 2023**

BEFORE

Eamonn Maguire - FRICS, FSCSI, VRS, ARB

Member

1. THE APPEAL

1.1 By Notice of Appeal received on the 16th day of November 2020 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 €23.

1.2 The sole ground of appeal as set out in the Notice of Appeal is that the determination of the valuation of the Property is not a determination that accords with that required to be achieved by section 19 (5) of the Act because: *"The property to which this Revision appeal relates to is a shed on a family farm - from which a small Dairy business operates from also. The property acts as a storage shed/workshop for the business Quane Dairy Services but it is also part of the family farm and is used on a daily basis for farm related activity. The owners' parents Jeremiah and Mary Quane together with Richard Quane and his family use the premises the subject of this appeal for farming related duties including storage, repairs etc that are needed on the farm. I would ask you to reconsider the valuation that has been put on this property as from talking to other people in the neighbourhood the valuation seems to be extremely high compared to what others locally are paying. I appreciate that there is a small business operating from the premises and the need for me to pay Rates to Cork County Council, but I would ask you to reconsider the valuation taking into account that this shed is very much part of a family farm holding."*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €9.

2. VALUATION HISTORY

2.1 On the 26th day of February 2020 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 €23.

2.2 A Final Valuation Certificate issued on the 23rd day of October 2020 stating a valuation of €23.

3. DOCUMENT BASED APPEAL

3.1 The Tribunal considered it appropriate that this appeal be determined on the basis of documents without the need for an oral hearing and, on the agreement of the parties, the Chairperson assigned the appeal to one member of the Tribunal for determination.

3.2 In accordance with the Tribunal's directions, the parties exchanged their respective summaries of evidence and submitted them to the Tribunal.

4. FACTS

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

4.2 The Property is situated in a rural area within the townland of Ballyclough, positioned equidistant between Glanworth and Kilworth and approximately midway between the towns of Mitchelstown and Fermoy.

4.3 The Property comprises a detached building of steel frame construction with concrete block infill walls to a height of 2 metres, metal cladding and metal deck roof. There is a pedestrian access door and roller shutter door. There is a concrete yard to the front of the Property.

4.4 Floor Areas

The floor areas have not been agreed.

5. ISSUES

5.1 The sole issue in this appeal is the quantum of the valuation. The Appellant contended for an NAV of €9 whereas the Respondent contended for an NAV of €23 to be entered in the Valuation List.

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 in his Precis, stated that the Property comprises a shed situated on a family farm. While being used as a storage shed/workshop for a dairy business run by the Appellant, it is also a functioning storage shed and workshop for the family farm.

7.2 The Appellant submitted the following floor areas, summarised as follows.

Description	Area - m ²
Farm Storage Shed	191.25
Total	191.25
Eaves Height	4.6 metres

7.3 The Appellant stated that there is no water supply, toilet or heating and that there is a temporary electrical supply from a nearby shed.

7.4 The Appellant stated that the valuation put on the Property was extremely high compared to other rated properties in the area. The Appellant submitted the following comparators to support the appeal.

Property Number	Map Reference	Description	Valuation
2168548	7b	Workshop	€15
2177751	2Fa	Workshop	€6
1013581	5Aa	House, Workshop	€8.89
2203589	41li	Workshop	€11
1015508	41B12	Workshop	€15.24

7.5 The Appellant accepts that there is a small business operating out of the Property and therefore rates charges must be paid, but that the Property is very much part of a family farm holding and the Appellant’s opinion of the NAV is €9.

8. RESPONDENT’S CASE

8.1 The Respondent was represented by Mr. Martin O’Donnell.

8.2 Mr. O’Donnell stated in his Precis, that the Property was in good condition.

8.3 The yard measured 350 m², but had been deemed in use for circulation purposes only.

8.4 He submitted the following measurements for the Property.

Use	Level	Area (m ²)
Workshop	0	206.02
Mezzanine	Mezzanine	55.80
Eaves height of 4.7 metres		

8.5 Whilst the Appellant had submitted a gross floor area of 191.5 m², Mr. O'Donnell stated that his measurements were derived on a gross external area basis, in line with the SCSI Measurement Practice Guidance Notes. Gross external area was also the basis of measurement adopted for all industrial properties, in the local authority area.

8.6 Mr. O'Donnell submitted that from inspection of the Property, it was primarily in use as a workshop for the Appellants business, there was no or very little evidence of farm related activity. He submitted photographs taken at the time of inspection in support of his opinion.

8.7 He submitted that as the Appellant had acknowledged that the Property is used for a business and had stated in the appeal that there was "a need for me to pay rates to Cork Country Council" and therefore in Mr. O'Donnell's opinion the Property is rateable as per the Valuation Acts and that this had been accepted by the Appellant.

8.8 Mr. O'Donnell submitted the following 'tone of the list' comparators which are common to those submitted by the Appellant, full details provided in the Appendix (n/a to public).

Comparator 1

Property Number	2168548
Address	Caherdrinny, Mitchelstown, Co. Cork
Total Floor Area	130.56 m ²
Valuation	€15.00

Description	Size (m ²)	NAV per m ²
Workshop	65.28 m ²	€20.50/m ²
Workshop	65.28 m ²	€20.50/m ²
Total	130.56 m ²	€2,676.00
RV Say		€15.00

Mr. O'Donnell stated that this comparator is located 3.7 kms from the Property and is similar in terms of size and location, but he stated that it is situated to the rear of a dwelling, making it less attractive than the Property.

Comparator 2

Property Number	2177751
Address	Castleview, Caherdrinny, Mitchelstown, Co. Cork
Total Floor Area	50.05 m ²
Valuation	€6.00

Description	Size (m ²)	NAV per m ²
Office(s)	14.30 m ²	€27.34/m ²
Workshop	35.75 m ²	€20.51/m ²
Total	50.05m ²	€1,124.19
RV Say		€6.00

Mr. O'Donnell stated that this comparator is located 3.7 kms from the Property and is similar in terms of size and location and the workshop is valued at €20.50 psm.

Comparator 3

Property Number	2203689
Address	19 Brigown, Mitchelstown, Co. Cork
Total Floor Area	222 m ²
Valuation	€11.00

Description	Size (m ²)	NAV per m ²
Store	126.00 m ²	€20.50/m ²
Total	126 m ²	€2,583.00 X 0.5% = €12.92
RV Say		€11.00

Mr. O'Donnell stated that this comparator, common to both parties, supports in his opinion, a value of €20.50 psm assessed on the Property.

8.9 Mr. O'Donnell submitted details on the Appellants comparators, that were not common to his own, together with his opinion as to their relevance. Full details provided in the Appendix (n/a to public).

8.9.1

Property Number	1013581
Address	Gortnahown, Mitchelstown, Co. Cork
Total Floor Area	N/a
Valuation	€8.89

He submitted that the notes on file for this comparator, was that it comprised a “very crude workshop and not floored” and “little more than a covering”.

8.9.2

Property Number	1015508
Address	Curraghavoie, Mitchelstown, Co. Cork
Total Floor Area	291.81m ²
Valuation	€15.24

Description	Size (m²)	NAV per m²
Workshop	291.81 m ²	€10.45/m ²
Total RV Say	291.81m ²	= 3,046.50 NAV €15.24

Mr. O'Donnell stated that this property was valued at €10.45 psm and at the time of valuation had a “clay floor” and in his opinion, was not comparable to the Property.

8.10 Mr. O'Donnell submitted his opinion of the NAV for the Property at €23.00, arrived at as follows.

Level	Use	Area/m²	Rate psm/€	NAV/€
0	Workshop	206.02	20.50	4,223.41
Mezz	Mezzanine	55.80	6.83	381.11
Totals		206.02		4,604.52
			0.5%	23.02
		NAV	Say	23.00

9. SUBMISSIONS

9.1 There were no legal submissions.

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 Cork County Council.

10.2 On the question of floor area of the Property, the Appellant has not stated his basis of measurement. Mr. O'Donnell has stated that the Respondents basis of measurement was on a gross external basis. The Tribunal finds that the appropriate basis of measurement to adopt, relative to the other comparable industrial properties on the valuation list, is the gross external basis. The Appellant has also not submitted a measurement for the mezzanine level, the presence of which has been evidenced from the internal photograph included in Mr. O'Donnell's Precis. The Tribunal finds that the Respondents measurements are of greater assistance.

10.3 On the question of 'relevant property not rateable', under Schedule 4 of the Valuation Act 2001, from the evidence submitted by the parties, the Tribunal finds that the Property is rateable.

10.4 The Appellant stated that the Property does not have a water supply, toilet, or heating. The Tribunal finds that no detail was submitted concerning the comparators under those headings, and therefore such evidence concerning the Property, is of no assistance.

10.5 The Tribunal finds from the evidence submitted including internal photographs of the Property, that there is a concrete floor and, on that basis, the Appellants comparators, PN 2203689 and PN 1015508 are of no assistance.

10.6 Comparator PN 2168548, with an NAV of €20.50 psm, is common to both parties' Precis. The Tribunal finds from the photograph submitted in evidence, that the comparator has road frontage and direct vehicular access. The Tribunal also finds from the evidence that it is of modern specification in terms of cladding and roofing and is located in a rural setting and therefore is of assistance.

10.7 In the case of comparators PN 2177751 and PN 2203689, which are common to both parties' Precis, the former has an NAV on a workshop of €20.51 psm and the latter on a store, of €20.50 psm. The Tribunal finds from the evidence, the comparators are of modern construction and situated in a rural setting and therefore of assistance.

10.8 In conclusion, the Tribunal finds that the NAV assessed on the Property by the Respondent with reference to similarly circumstanced comparators, PN 2168548, PN 2177751 and PN 2203689, confirms that the value is in line with the tone of the list.

11. DETERMINATION:

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the valuation as stated in the Valuation Certificate, of €23.00.

And the Tribunal so Determines.