

**Appeal No: VA23/5/0440**

**AN BINSE LUACHÁLA**

**VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2015**

**VALUATION ACTS, 2001 - 2015**

**MARK JORDAN**

**APPELLANT**

**and**

**TAILTE EIREANN**

**RESPONDENT**

**In relation to the valuation of**

Property No. 1550069, Workshop at The Shed, Liscromwell, Castlebar, County Mayo

**JUDGMENT OF THE VALUATION TRIBUNAL**

**ISSUED ON THE 22<sup>ND</sup> DAY OF OCTOBER 2025**

**BEFORE**

**Hugh Markey FRICS FSCSI,**

**Deputy Chairperson**

## **1. THE APPEAL**

1.1 By Notice of Appeal received on the 16<sup>th</sup> day of October 2023 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 €20,900.

- 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 : *(a) The Valuation is Incorrect : The arithmetic is not incorrect but the valuation includes 144 sq.m of cold room floor area. Part of the property was a cold room in the past – it hasn't been used as a cold room for over ten years to the best of the appellant's knowledge and was last used to store tyres perhaps seven or eight years ago. The area is non-functional for cold room storage – the plant is completely dilapidated or non-existent. Further, the actual cold room structure is breached for general access and due to water ingress from a generally defective roof all of the caulking in this section leaks. There is no electricity in this area. No lights. No refrigeration plant. It's basically common to the non-cold room area. The cold room function has been abandoned several years ago – prior to the appellant taking over. The store area itself has a badly leaking and*

*decaying roof as well as multiple breaches in the envelope such that infestation is a problem at the moment. I cannot understand how this area attracts a valuation of €27 per m.sq. There is a small building in the yard which is classified as an office. It did function as an office at one time I understand – but it is now basically derelict. There are no internal doors, dampness penetrates the walls (hollow block construction) and through the roof (lean-to construction with loose laid concrete tiles on a single layer of felt on battens, not sealed, blow clear through and rain penetration).*

*(b) Details stated in the relevant Valuation List are incorrect: I think this overlaps the previous grounds of appeal for this property. The valuation includes 144 sq.m of cold room floor area. Part of the property was a cold room in the past – it hasn't been used as a cold room for over ten years to the best of the appellant's knowledge and was last used to store tyres perhaps seven or eight years ago. The area is non-functional for cold room storage – the plant is completely dilapidated or non-existent. Further, the actual cold room structure is breached for general access and due to water ingress from a generally defective roof all of the caulking in this section leaks. There is no electricity in this area. No lights. No refrigeration plant. It's basically common to the non-cold room area. The cold room function has been abandoned several years ago – prior to the appellant taking over. The store area itself has a badly leaking and decaying roof as well as multiple breaches in the envelope such that infestation is a problem at the moment. I cannot understand how this area attracts a valuation of €27 per m.sq. There is a small building in the yard which is classified as an office. It did function as an office at one time I understand – but it is now basically derelict. There are no internal doors, dampness penetrates the walls (hollow block construction) and through the roof (lean-to construction with loose laid concrete tiles on a single layer of felt on battens, not sealed, blow clear through and rain penetration).*

*(d) Property Concerned ought to have been excluded in relevant Valuation List: The property has no commercial enterprise. It's vacant. It was purchased with bank assistance prior to the Covid pandemic with a view to development but the pandemic wiped out the appellant's business. The premises is currently and for the foreseeable future idle – bar storage of the company vehicle, also idle.*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €4,862.

## **2. RE-VALUATION HISTORY**

2.1 On the 25<sup>th</sup> day of May 2023 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 €20,900.

2.2 A Final Valuation Certificate issued on the 15<sup>th</sup> day of September 2023 stating a valuation of €20,900.

2.3 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1<sup>st</sup> day of February 2022.

### **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 The parties are agreed as to the following facts.

4.2 The property comprises an industrial unit in Liscromwell, Castlebar, Co. Mayo, formerly used for food packing and tyre fitting.

4.3 The Respondent's floor areas were not challenged by the Appellant and are deemed to be agreed.

<b>GEA Areas</b>		
<b>BLOCKS - USE</b>	<b>FLOOR</b>	<b>AREA (m<sup>2</sup>)</b>
<b>OFFICE(S)</b>	0	90.30
<b>STORE</b>	0	517.93
<b>YARD</b>	0	1192.70

### **5. ISSUES**

The sole issue is one of quantum.

### **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 outlined the grounds of appeal as follows:

The structure is basically a galvanised steel shed, with half height hollow block walls on two sides. He noted that the roof was leaking, and the building needed major work. There is an internal shed formed by partitioning from the main structure. He noted this latter was previously used (up to about 10 years ago) in relation to a chilled meats distribution business and has not been used in any such capacity since that time. He outlined how a tyre fitter had used about two-thirds of the shed and the yard for perhaps 2 years paying a nominal rent but this occupation ceased approximately 8 years previously. He suggested the building was not well maintained and is now in poor condition. It is, in his opinion, not in a condition to be rented.

7.2 He had included a plan which showed an area had been breached c. 2017 at a time when it was in use to store tyres. He contended that it could not be used as a cold room. In addition to the large section of wall removed, he evidenced that the caulking had disintegrated, there is significant water ingress due to issues with the roof, and the plant is defunct.

7.3 He noted the designated ‘store area’ was never used as a chill room—there was never chiller plant in the room, and the external door is of steel construction and south facing, thus there is

solar gain. He said there is thermal type panelling to two of the walls, but this is also disintegrating.

7.4. He outlined how the area designated as a 'chill room' is still intact but there is significant water penetration from overhead - the centre gutter has rotted through in places and needs replacement. He understood this area to have been the 'returns cold room' in the previous use. He posited the plant is completely defunct—as is all the other chiller plant in the shed.

7.5 As regards the area designated 'chill room/loading area', he indicated that it is relatively intact—however there is again no functional plant. He evidenced that the loading docks are completely corroded and seized, the electrical drive equipment is rusted beyond use and essentially these loading docks are rendered useless. While one of the doors is partially openable—the other is not.

7.6 He said there is a single door to the small office area in the yard, and this 'office' is seriously dilapidated.

7.7 He noted the current valuation as representing a rate of €27psm for the Offices and Store; ; €27psm applied to the Cold Store and €2.70psm applied to the yard, resulting in a valuation of €20,900.

7.8 He suggested this level was grossly excessive for a property located in a rural setting about 2 miles from the nearest town, and not close to any urban centre or commercial area. He further noted it was located on an 8' wide laneway. He posited this may have been a viable valuation when there was commercial trade carried on in the premises but that has not been the case for approximately 10 to 12 years, at least to the best of his knowledge.

7.9 He contended that the property should not be categorized as a workshop, and in the category 'Industrial uses'. He pointed out that it is a shed – used for hay and currently a pallet of briquettes, some old files as well as some junk. He suggested there is no comparator shed in the locality – except ones in agricultural use, there not being another rateable property for miles.

7.10 For comparison purposes he introduced the two nearest properties which have published rating reports: PN2125840 & PN1360748. He contended that one must go quite a bit further to get the next property. Both were valued on the same date as the subject of this appeal. Both are listed in the same category— Industrial Uses. PN 2125840 has 'Uses' listed as 'Warehouse',

while PN1360748 has ‘Uses’ listed as ‘Workshop’. The appeal property is listed as in the ‘Industrial Uses’ category with ‘Use’ listed as ‘Workshop’. He pointed out that it is not a workshop, and this is patently a contradiction. He queried how it could be a workshop and a cold store at the same time. He contended that the valuation was ‘uplifted’ due to the cold store assessment. He argued that this may have been a correct classification at some time in the past but now it is simply a shed. There are partitions within the shed created by the cold store panels, but these are now simply subdivisions and partitions in what is now nothing more than a shed.

#### 7.11 Appellant Comparison 1 PN 2125840

a. <i>Offices</i>	90.19m <sup>2</sup>	NAV(€ per m <sup>2</sup> ) €14.00	NAV(€) €1,262.66
b. <i>Warehouse</i>	225.27m <sup>2</sup>	NAV(€ per m <sup>2</sup> ) €14.00	NAV(€) €3,153.78
c. <i>Offices (1<sup>st</sup> Flr)</i>	77.54 m <sup>2</sup>	NAV(€ per m <sup>2</sup> ) €14.00	NAV(€) €1,085.56
d. <i>Mezz Store</i>	41.14 m <sup>2</sup>	NAV(€ per m <sup>2</sup> ) €2.80	NAV(€) €1,15.19

***Ratable Valuation €5,617.19***

The Appellant noted that this property is 850m from the subject, as the crow flies, 2.2km by road, and lies less than 1.5km from the town boundary. It is also in a rural area. He suggested that by applying the same rate of €14.00psm suggests a rateable valuation for the subject property of €11,735.51. he considered the distinction between ‘warehouse’ in this case and ‘store’ in the subject case to be unusual.

#### 7.12 Appellant Comparison No. 2 PN 1360748

a. <i>Workshop</i>	206.49m <sup>2</sup>	NAV(€ per m <sup>2</sup> ) €13.00	NAV(€) €2,684.37
<b><i>Ratable Valuation €2,684.37</i></b>			

The Appellant noted this is the next nearest rateable property to the subject. It is located 100m from the national primary route, the N5, about 2.7kms from the subject by road, and 950m as the crow flies. It is rated as a workshop which is the designated use of the property under appeal. He contended that by classifying the entire shed as a workshop and using the same rate per sq. m. of €13.00 would result in a rateable valuation of the subject of €11,1126.00.

7.13 He argued that the subject is not even a workshop in the sense that PN1360748 is a workshop. There are no fixtures or fittings. There is no compressor, no hydraulic lift, no machine tool equipment, no fire suppression system, no heat system, no ventilation system, or

water supply, noting it was connected originally to the adjacent dwelling which is now owned by others—and since separated. He made occasional use of the building in a domestic capacity to fix a trailer out of the rain—and suggested that hardly makes it a ‘workshop’ for the purposes of the valuation.

7.14 He averred that what he had was ‘space’—which is also what he had in the yard outside. He suggested an appropriate rate per sq. m. to apply was somewhere between that applied to the ‘yard’ (€2.70) and that to the ‘warehouse’ (€13.00).

He posited that at a rate of €8.00psm, the NAV would be in the order of €8,085.93. At a rate of €5.00psm, he contended the NAV of would be in the order of €6,591.00. He suggested a gross valuation closer to that of PN2125840 at €5,610.00 would be a fair valuation, if not the valuation of 1360748 at €2,680.00. He suggested a ‘gross valuation’ between the valuations applied to the two comparisons would be fair i.e. between €5,610.00 and €8,085.93

7.15 The Appellant contended there is no proper comparator available. He argued that the net annual values, at least in this case, are completely out of line. It appeared to him that a fair and equitable compromise would be a valuation around €5,610.00 to €8,085.93 at the most, if not something similar or close to that on property no. 2125840— which is a premises with an actual ongoing commercial operation, and is more accessible, closer to the commercial area of the town, and of modern construction in excellent condition. While perhaps smaller, he suggested it would be much more marketable to rent, if vacant.

### **Appellant’s Response to the Respondent’s Evidence**

7.16 The Appellant argued that his yard is unfairly valued compared to similar properties with no yard valuation. He cited PN 2125845 and PN 1360430, both used as comparators by the Respondent, and which did not have a value applied to the yard. He included photographs and Google Earth extracts in support of his view.

7.17 Two dock levellers were added to the valuation, but the Appellant claims they are unusable, severely corroded, and have not worked in over a decade. He went into detail as to the issues with these dock levellers and the possible significant cost of making them serviceable. He also noted his qualification, as a chartered engineer, to comment on such matters.

7.18 He suggested the office is poorly built and not suitable for letting without major upgrades.

7.19 He accepted the valuation placed on the office (€1,264.20) and store (€7,251.02) but contended that the additional 25% for the dock levellers was unfair, unjust and unreasonable.

7.20 The Appellant proposed a NAV of €8,430.00.

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

8.1 The Respondent's witness, Mr. James Slevin, outlined the background and basis of the Revaluation and having described the property, began by noting that following consideration of the Appellant's submission, the headline rate per square metre was reduced from €27 to €14.

8.2 The Respondent accepted that the area as described in the floor plans as cold room and chill room are incapable of occupation as such but contended that they are capable of occupation for general storage.

8.3 The witness contended that the Appellant had not provided any evidence which showed that the office was incapable of beneficial occupation. Noting that both Parties had provided a significant number of photographs which evidenced the condition of the property.

8.4 The Respondent noted that there was no evidence provided to indicate that the dock levellers are beyond repair. The witness acknowledged that they may be seized due to a lack of use, but that does not render them incapable of beneficial occupation. The Respondent's view was that when inspected on 12th November 2024, the property was considered to be in fair condition. The main block is in good condition and in use as storage by the occupier. The former cold store area is no longer used as cold stores and the cold store equipment is deemed to be beyond repair and not suitable for cold storage but is capable of general storage.

8.5 The witness outlined how a scheme of valuation is arrived at by the 'collection of Net Effective Rents' which forms the basis and starting point for developing such a scheme. The witness included a single 'Key Rental Transaction' which formed the basis of the scheme of valuation for the type of property into which the subject fell. This is included at Appendix 1 to this judgment (N/A to public).

8.6 The Respondent also included 2 NAV comparables, the details of which are included at Appendix 2 to this judgment (N/A to public). The brief details are as below:

COMP	Property Numbers	Address	NAV per sqm	NAV
1	2125840	LOT 1b, CLOONTYBAUNAN, CO MAYO	€14.00	€5,610.00
2	2125845	LOT 21B/1, CLOONKEEN, CO MAYO	€14.00	€4,660.00

8.7 The witness highlighted that it is a well-established understanding that the onus of proof lies with the appellant and referred the Tribunal, in particular, to VA 00/2/032 – Proudlane Ltd Vs Commissioner of Valuation.

8.8 The Respondent put forward the following opinion of NAV:

LEVEL	USE	Meas.	AREA (m <sup>2</sup> )	€ NAV/m <sup>2</sup>	NAV (€)
0	OFFICE(S)	GEA	90.30	14.00	€1,264.20
0	STORE	GEA	517.93	14.00	€7,251.02
0	YARD(Concrete/Tarmac)	m <sup>2</sup>	1192.70	1.40	€1,669.78
0	DOCK LEVELLERS	QTY	2.00	1300.00	€2,600.00
			<b>TOTAL NAV</b>		<b>€12,785.00</b>
			<b>NAV (rounded)</b>	say	<b>€12,700.00</b>

## 9. FINDINGS AND CONCLUSIONS

9.1 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 Mayo County Council

9.2 The Respondent suggested, inter alia, that ‘the sole area of disagreement at this stage appears to relate to the addition of the dock levellers at the property into the valuation during the Appeal stage as per Section 48(3) of the Valuation Act, 2001, as amended. The Respondent

is of the view that these are capable of beneficial occupation and that no evidence had been provided to the contrary. The Appellant disagreed with this view outlining why they were incapable of beneficial use and also contended that the yard should not be valued. He had introduced two comparators where yards were not valued.

9.3 Considering the dock levellers, for the Respondent to suggest that these were capable of beneficial occupation and that *'no evidence has been provided to the contrary,'* is clearly incorrect. Apart from the photographic evidence of the dilapidated condition of the dock levellers, the Tribunal has the benefit of the cogent evidence of the Appellant who is a Chartered Engineer and therefore well capable of determining that it was not economically viable to bring these back into use. It was suggested that this report, prepared by the Appellant, was provided to the Respondent. For the above reasons, the Tribunal believes the dock levellers are incapable of beneficial use and should not be valued.

9.4 The Appellant introduced two comparators, one classified as 'Industrial Warehouse and a second as 'Industrial Workshop'. Each included yard areas and in neither case was a value applied to the yard space.

9.5 While evidence was adduced by the Appellant in his Comparison No. 2 of a rate of €13psm, he accepted the rate of €14psm applied to the offices and stores by the Respondent..

9.6 In summary, the Tribunal finds that the Appellant has satisfied the burden of proof imposed on him in respect of the dock levellers and yard space.

**DETERMINATION:**

Accordingly, for the above reasons, the Tribunal allows the appeal and decreases the valuation of the Property, as stated in the valuation certificate, to €8,500.

LEVEL	USE	BASIS OF MEASUREMENT	AREA	€PSM	NAV €
0	Office(s)	GEA	90.30	14.00	1,264.20
0	Store	GEA	517.93	14.00	7,251.02
0	Yard	N/A	1192.70	0	0
0	Dock Levellers	No.	2	0	0
				Total	€8,515.22
				NAV	€8,500.00

**RIGHT OF APPEAL:**

In accordance with section 39 of the Valuation Act 2001 any party who is dissatisfied with the Tribunal's determination as being erroneous in point of law may declare such dissatisfaction and require the Tribunal to state and sign a case for the opinion of the High Court

This right of appeal may be exercised only if a party makes a declaration of dissatisfaction in writing to the Tribunal so that it is received within 21 days from the date of the Tribunal's Determination and having declared dissatisfaction, by notice in writing addressed to the Chairperson of the Tribunal within 28 days from the date of the said Determination, requires the Tribunal to state and sign a case for the opinion of the High Court thereon within 3 months from the date of receipt of such notice.