

Appeal No: VA23/5/0176

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

AL HAYES MOTORS

APPELLANT

and

COMMISSIONER OF VALUATION

RESPONDENT

In relation to the valuation of

Property No. 2173829, Retail (Warehouse) at Ballycorey, Gort Road, Ennis, County Clare

B E F O R E

John Stewart - FSCSI, FRICS, MCI Arb

Deputy Chairperson

Gerard O' Callaghan - MRICS, MSCSI

Member

Michelle O' Gorman - BL

Member

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 14TH DAY OF NOVEMBER 2025**

1. THE APPEAL

1.1 By Notice of Appeal received on the 4th 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 €103,200.

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*

Set out the grounds upon which the Appellant considers that the determination of the valuation of the property is not a determination of its value that accords with that required to be achieved by section 19(5).

1. The valuation of the subject property is incorrect owing to levels applied to the showroom and the yard.

2. In regard to the showroom, it would appear that the Commissioner is applying levels of between €60-80/m² in the town and the subject property whilst modern is neither the first leaving the town

on the Gort Road nor the first entering the town on the Gort Road. As such, the level of €70/m² is more appropriate.

3. The yard currently constitutes 50% of the subject's assessment. As pointed out in representations stage, a splitting of yard between front, side and rear does not fully solve the issue of proportionality. The yard value on the 1988 basis made up 22.8% of the NAV.

Relatively speaking, the relationship between yard and building has not changed and hence, any value on the yard significantly exceeding this percentage of the NAV will be disproportionate.”

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €67,500.

2. REVALUATION HISTORY

2.1 On the 19th 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 €163,300.

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 €103,200.

2.3 A Final Valuation Certificate issued on the 15th day of September 2023 stating a valuation of €103,200.

2.4 The date by reference to which the value of the property, the subject of this appeal, was determined is the 1st day of February 2022.

3. THE HEARING took place on 24th day of July 2025.

3.1 At the hearing the Appellant was represented by Mr. David ES Halpin M.Sc. (Real Estate) Ba. (Mod) of Eamonn Halpin & Co. Ltd. and the Respondent was represented by Mr Liam Hazel, MSCSI MRICS Dip Rating of the Tailte Eireann.

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 The subject property is located on the R458 Gort Road, Ballycorey which links Ennis and Gort approximately 3.5 KM north of Ennis. The property which comprises a modern motor showroom

including ancillary display areas was originally constructed c.2003 and refurbished in 2011 and 2018.

4.3 The two parties made additional submissions/precis prior to the Tribunal hearing, and the consolidated and agreed floor areas are as follows:

Description	Level	Area M₂	Comment
Showroom	0	421.56	No change
Workshop	0	556.28	Ditto
1 st floor offices	1	145.50	ditto
Prefab sales office	0	62.4	Added at VT stage
Total buildings		1,185.74	
Display Yard front tarmac	0	1,479	No change
Display Yard side tarmac	0	990	Reduced at VT stage from 1,730M ₂ to 990M ₂
Non display Yard rear tarmac	0	740	Added at VT stage 740m ₂ area removed from side display yard.
Display Yard gravel	0	3,251.56	Reduced at VT stage from 3,876M ₂ to 3,256.56M ₂ to reflect prefab sales office and 15% circulation allowance.
			15% circulation allowance applies to all yard areas.

4.4 Title Freehold.

5. ISSUES

5.1 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 Appellants case was made-up of an original submission dated the 8th April 2025 together with a supplemental undated precis of evidence. Both parties agreed this approach.

7.2 The original precis of evidence provided by the Respondents had been made by Mr Neil Corkery however the subsequent precis of evidence was provided by Mr. Liam Hazel and the earlier submission by Mr Corkery has been disregarded.

7.3 Mr Hazel produced a digital aerial measurement document on the 23rd June 2025, and the measurements therein were agreed between the parties.

7.4 The Appellants claim was based on the valuation of the subject property being incorrect on two levels as applied to the showroom and the yard. They argued that in relation to the showroom the Commissioner had applied the levels between €60-€80/M₂ in the town and the subject property was in a median location and consequently a more appropriate rate should be €70/M₂. They also argued that the yard value now constitutes 50% of the subject's assessment whereas the yard value in the 1988 valuation had made-up 22.8% of the NAV and they argued that the relationship had not changed.

7.5 They argued that the NAV should be reduced in line with its actual potential rental value and the emerging tone of the list.

7.6 Addressing the Commissioners level of €80/M₂ They argue that the subject property is in a median location and is neither prime on the entry to or exit from Ennis and consequently the subject property’s showroom should be valued at €70/M₂.

7.7 Addressing the value attributed to the yard area the Appellants claimed that the Commissioner standard rationale is to apply 15% of the showroom rate to the front yard and 10% of the workshop rate to the rear yard. They point out that the difficulty in the subject case is that most of the yard is located to the side of the building and that in the current assessment the Commissioner has created a third level at 10% of the showroom level for the side yard and assessed the rear yard at €4/M₂ rather than €3.2/M₂ based on the workshop rate. The Appellants state that they have no objection to dividing the yard into three sections, but they do object to the value as determined by the Commissioner.

7.8 They argue that as assessed the yard constitutes 45.6% of the total NAV. They stated this is totally disproportionate to the relative value of the property and that while the Appellants accept that this space exists it is larger than other garages in the town and that a hypothetical tenant would not pay almost 50% of his rent for yard space only. They pointed to the previous assessment where the yard space made-up 22.8% of the assessment and that the relativity of yard and buildings had not changed substantially in the intervening period. They argued that the side area should be classified as rear and valued at 10% of the workshop level with the remaining front area valued at

15% of the showroom level. They also argued that the strip immediately in front of the building fronting the road should be divided in two with part being added into the side area.

7.9 The Appellants relied on a number of NAV comparisons as follows:

1. Cummins Car Centre, Ballymaley Retail Park, Gort Road, Ennis.

PN 2210562 NAV €68,200.

Level	Use	Area M ₂	NAV €/ M ₂	NAV €
0	Showroom	452.54	€70.00	€31,677.80
0	Reception	17.4	€70.00	€1,218.00
0	Workshop	661.76	€30.00	€19,852.80
0	Offices	124.34	€30.00	€3,730.20
0	Display yard	1,122	€10.5	€11,781.00
Total				€68,200.00

The Appellants claimed that this is the first showroom between the M18 and Ennis and that the property fronts Ballymaley Retail Park. They argue that this property is comparable or superior in every respect to the subject property other than the size of its yard. They accept that the yard has an additional value but that it should not result in a hypothetical tenant's bid being radically altered. They query whether the hypothetical tenant would pay for an additional 6,000M₂ of side and rear yard.

In the additional supplemental precis, the Appellants noted that the total yard area was 2,304M₂ whereas the area valued by the Respondents was 1,122M₂ which would equate to 1,320M₂ if the circulation area of 15% was included however they claim the actual circulation area per the digital map was 51.3%. They added that this is the 'most correct' comparison from a yard perspective as the area referred to by the Respondents was gated and the remainder was in use by the garage.

2. Dulick Nissan Motors Gort, Road Ennis.

PN 1212780 NAV €22,700.

Level	Use	Area M ₂	NAV €/ M ₂	NAV €
0	Showroom	169.36	€60.00	€10,161.60
0	Workshop	376.53	€1.00	€376.53
1	Offices	111.76	€24.00	€2,683.24
0	Yard	1,056	€9.00	€9,501.00
Total				€22,700.00

The Appellants stated this motor showroom was also located on the Gort Road and that the Commissioner had chosen a showroom valuation of €60/ M₂.

In the additional supplemental precis, the Appellants noted that the total yard area was 2,619M₂ whereas the area valued by the Respondents was 1,056M₂ but no circulation area was provided however they claim the actual circulation area per the digital map was 59.7%.

They noted that the ‘property appears to be incorrectly assessed’ and that Tailte Eireann would initiate a revision listing application though there is no reference to the incorrect yard size, and the listing will apply solely to the showroom and workshop levels.

3. Shiels Motor Group, Gort Road industrial Estate, Quin Road, Ennis
PN 2173831 NAV €46,700

Level	Use	Area M ₂	NAV €/ M ₂	NAV €
0	Retail warehouse	584.31	€80.00	€46,744.80
Total				€46,700

The Appellants stated that this property is located directly across the road from the subject property and that the entire is valued as showroom accommodation whereby the Commissioner has attached no value to the yard which extends to 2,000M₂.

In the additional supplemental precis, the Appellants noted that the total yard area was 2,151M₂ whereas the Respondents valued no area and no circulation area was provided however they claim the actual circulation area per the digital map was 100%. The Appellants claimed that the Respondents stated in their precis that the level of €80.00/ M₂ is inclusive of the parking. The Appellants have no issue with the Respondents adopting levels to include car parking which also applies to supermarkets however they do take exception to the fact that the car parking is in addition to the rate of €80/ M₂ in the subject property which they regard as contradictory.

4. Homesavers Gort Road Ennis.
PN 5024307 NAV €82,600

Level	Use	Area M ₂	NAV €/ M ₂	NAV €
0	Retail warehouse	1,652.87	€50.00	€82,643.50
Total				€82,600

The Appellants stated that this property was held on a 21-year lease from the 9th July 2020 at €107,304pa with 12 months’ rent free which provides an FRI NER to the first review of €85,843pa. The Appellants stated that the Commissioner had accepted the rent on this property as the best evidence for the size and type of property in the general area and that while the retail component in the subject property is substantially smaller and the rate of €50/ M₂ could be applied to it they nevertheless are seeking to have a rate of €70/M₂ to be determined for the subject property. This is an uplift of 40% whereas the Commissioner is seeking 60%.

5. Respondents NAV Comparison 1 T Shiels & Co Ltd
PN. 1212206 NAV €180,100

In the additional supplemental precis, the Appellants noted that the total yard area was 1,768M₂ whereas the area valued by the Respondents was 450.5M₂ which would equate to 530M₂ if the circulation area of 15% was included however they claim the actual circulation area per the digital

map was 74.5%. They added that this property unlike the subject one can be accessed by a separate road, and it is unclear what section of the yard has been assessed by the Respondent, but it probably referred to the front and ignored the side and rear.

6. Respondents NAV Comparison 2 Western Garages VW Pierce Motors

PN. 2189358 NAV €180,100 NAV €104,700

In the additional supplemental precis, the Appellants noted that the total yard area was 4,218M₂ whereas the area valued by the Respondents was 2,410M₂ which would equate to 3,213.33M₂ if the circulation area of 15% was included however they claim the actual circulation area per the digital map was 42.9%. They added that it is unclear what section of the yard has been assessed by the Respondent the filling station site was excluded.

7. Respondents NAV Comparison 3 Hogan Motors

PN. 1701006 NAV €180,100. NAV€88,400

In the additional supplemental precis, the Appellants noted that the total yard area was 2,128M₂ whereas the area valued by the Respondents was 1,656M₂ which would equate to 1,656 M₂ as no circulation area was included. They claim the actual circulation area per the digital map was 22.2%. They added that the shared nature of access to the filling station has resulted in a conservative approach being adopted to the yard area measured and that in spite of the claim that the property had no circulation the Respondent's measurement still allowed for at least 20% circulation.

7.10 In conclusion the Appellant stated that the gross area assessed by the Respondents for the yard was 7,600 M₂ which was agreed however the circulation space was not agreed between the parties. The Appellants proposed two alternative resolutions the first being that the valuation of all the comparisons was incorrect owing to the incorrect measurement of the actual yards or secondly the area agreed the subject property must reflect the actual circulation applied rather than the notional circulation applied to part. They accept that opting for the first alternative would result in extreme difficulties under Section 19 (5) whereas the second alternative is likely to raise disagreement with the Respondent as the Appellants facts differ from the valuation list. They acknowledge that both options cause issues of correctness to arise under Section 63. The Appellants proposed that the actual circulation applied by the Respondents measurements averages at 56% which if applied to the subject property would provide an area of 3,344 M₂ which could be apportioned as follows:

Front yard 766 M₂,
Side yard 512 M₂,
Rear yard 383 M₂ and
Gravel yard 1683 M₂.

7.11 They argue that using these areas based on the same rationale as adopted by the Respondent which is front and side at 15% of the showroom a NAV; rear 10% of the workshop NAV and the gravel area at 50% of the front and side would give a lower valuation than currently contended for by the Appellants. Alternatively, if 15% circulation was binding this would reduce the assessable

area from 7,600 M₂ to 6,460.56 M₂ as outlined by the Respondent. In this instance the front could be valued at 15% of the showroom with all other areas being ancillary at 10% of the workshop.

7.12 They provided amended valuations as follows:

Description	Size M₂	€/ M₂	NAV €
Showroom	421.56	€70.00	€29,509
Workshop	556.28	€32.00	€17,801*
1 st floor offices	145.5	€ 28.00	€ 4,074
AND			
Front yard	766	€10.50	€8,043
Side yard	512	€10.50	€5,376
Rear yard	383	€3.20	€1,226
Gravel yard	1,683	€5.25	€8,836
Total			€74,800

Alternatively

Description	Size M₂	€/ M₂	NAV €
Showroom	421.56	€70.00	€29,509
Workshop	556.28	€32.00	€17,801*
1 st floor offices	145.5	€ 28.00	€ 4,074
AND			
Front yard	1,479	€10.50	€15,530
Yard remainder	4,918.56	€3.20	€5,376
Total			€82,500

* agreed.

7.13 During cross examination Mr Halpin acknowledged that Cummins Car Centre was located approximately 50 metres set back from the road and that access was 350 metres from the subject property however he noted that it was on a height and retained good visibility. In relation to Nissan Motors Mr Halpin acknowledged that the list contained errors particularly a rate of €1/M₂ for the workshop while acknowledging the showroom rate at €60/ M₂. He also noted that Shiels' Motor Group premises on Gort road currently comprised a retail warehouse which was due to be revisited and reclassified as a car showroom. Mr Halpin accepted that part of the car park was in fact owned by Clare County Council and did not form part of the subject property in this instance. He accepted that this would reduce his 56% average but did not provide any reduced figure.

8. RESPONDENT'S CASE

8.1 The Respondent adopted his precis of evidence and provided a schedule of the building floor areas which included an additional prefab sales office as well as including various areas attributed to the yard's front, back and side as well as the gravel yard.

Description	Level	Area M ₂	Comment
Showroom	0	421.56	No change
Workshop	0	556.28	Ditto
1 st floor offices	1	145.50	ditto
Prefab sales office	0	62.4	Added at VT stage
Total buildings		1,185.74	
Display Yard front tarmac	0	1,479	No change
Display Yard side tarmac	0	990	Reduced at VT stage from 1,490M ₂ to 770M ₂
Non display Yard rear tarmac	0	740	Added at VT stage 740m ₂ removed from side display yard.
Display Yard gravel	0	3,251.56	Reduced at VT stage from 3,876M ₂ to 3,256.56M ₂ to reflect prefab sales office and 15% circulation allowance.
			15% circulation allowance applies to all yard areas.

8.2 The valuation date was confirmed as the 1st February 2022, and a proposed certificate was issued on the 25th May 2023 at €163,300. Following representations a valuation certificate was issued on the 15th September 2023 at €103,200 which was appealed to the Valuation Tribunal on the 4th October 2023. On the 2nd May 2025, the Appellant's statement of evidence was received and on 1st July 2025 a new Statement of Evidence was provided by the Respondent as the previous valuer was unable to attend the hearing. The Valuation Tribunal took place on 24th July 2025.

8.3 The Respondents provided two sample key rental transactions which dated from 2019 and refer to retail warehouses. See details in the appendix (N/A to public).

8.4 They also relied on four NAV comparisons as follows:

NAV Comparison 1 Shields Motor Group Ennis.

PN 1212206 NAV €180,100

Level	Use	Area M ₂	NAV €/ M ₂	NAV €
0	Showroom	1617.50	€80.00	€129,400
0	Workshop	1593.90	€25.00	€39,847.50
1	Offices	172.50	€32.00	€5,520.00
0	Display yard	450.50	€12.00	€5,406.00
Total excl. yard		3,383.90		€180,100

They noted that the showroom of 1,617.50 M₂ was valued at €80.00/ M₂ and the showroom in the subject property which comprised 421.56 M₂ was also valued at €80.00/ M₂. The all-tarmac yard of 450.50 M₂ was valued at €12.00/ M₂ which equates to 3% of the total NAV.

NAV Comparison 2 Western Garages Limited.

PN 2189358 NAV €104,700

Level	Use	Area M ₂	NAV €/ M ₂	NAV €
0	Showroom	727.09	€80.00	€58,167.20
0	Workshop	384.88	€27.00	€10,391.76
1	Offices	225.57	€32.00	€7,518.24
0	Display yard	2,410.28	€12.00	€28,923.36
Total excl. yard		1,337.54		€104,700

They noted that the showroom of 727.09 M₂ was valued at €80.00/ M₂ and the showroom in the subject property which comprised 421.56 M₂ was also valued at €80.00/ M₂. The all-tarmac yard of 2,410.28 M₂ was valued at €12.00/ M₂ which equates to 27.62% of the total NAV.

NAV Comparison 3 Hogan Motors Ennis.

PN 1701006 NAV €88,400

Level	Use	Area M ₂	NAV €/ M ₂	NAV €
0	Showroom	239.26	€80.00	€19,140.80
0	Workshop/offices	549.85	€32.00	€17,595.20
1	Display yard	1,656.00	€12.00	€19,872.00
0	Service station	1	€32,378	€32,378
Total excl. yard		789.11		€88,400

They confirmed that the showroom is part of a service station valuation, but the showroom and ancillary accommodation had been valued in line with the motor showroom scheme. They noted that the showroom of 239.26 M₂ was valued at €80.00/ M₂ and the showroom in the subject property which comprised 421.56 M₂ was also valued at €80.00/ M₂. The all-tarmac yard of 1,656 M₂ was valued at €12.00/ M₂ which equates to 35.10% of the total motor showroom NAV.

NAV Comparison 4 Cummins Car Centre, Ballymaley Retail Park, Gort Road, Ennis.

PN 2210562 NAV €68,200.

Level	Use	Area M ₂	NAV €/ M ₂	NAV €
0	Showroom	452.54	€70.00	€31,677.80
0	Reception	17.4	€70.00	€1,218.00
0	Workshop	661.76	€30.00	€19,852.80
0	Offices	124.34	€30.00	€3,730.20
0	Display yard	1,122	€10.5	€11,781.00
Total				€68,200.00

They stated that this property was located in a Business Park with poorly maintained common areas. This property is set back from the main road and has poorer profile with no direct public road access. They noted that the showroom of 452.54 M₂ was valued at €70.00/ M₂ and the showroom in the subject property which comprised 421.56 M₂ was valued at €80.00/ M₂ and the difference was the profile. The all-tarmac yard of 1,122 M₂ included an allowance of 15% for

circulation was valued at €10.50/ M₂ being 15% of the showroom rate. which equates to 17.3% of the total NAV.

8.5 The published NAV was €103,200 However the valuer investigated the particulars of the appeal and considered the grounds and evidence of the Appellant and was of the opinion that the correct entry for this property was €108,400. The valuation has changed as a result of the following matters of fact (A) the addition of a prefab sales office and associated amendment to the size of the gravel yard and (B) the amendment of the valuation level applied to the rear non display yard.

8.6 The Respondent sought a revised valuation as follows:

Description	Area M₂	€/M₂	NAV/ €	Comment
Showroom	421.56	€80.00	€33,724.80	No change
Workshop	556.28	€32.00	€17,800.96	Ditto
1 st floor offices	145.50	€32.00	€4,656.00	ditto
Prefab office	62.4	€12.80	€798.72	Added at VT stage 40% of prevailing industrial level
Total buildings	1,185.74		€56,980.48	
Display Yard front tarmac	1,479	€12.00	€17,748.00	No change
Display Yard side tarmac	990	€12.00	€11,880.00	Reduced at VT stage from 1,790M ₂ to 990M ₂
Non display Yard rear tarmac	740	€3.20	€2,368.00	Added at VT stage 740 M ₂ removed from side display yard.
Display Yard gravel	3,251.56	€6.00	€19,509.36	Reduced from at VT stage from 3,876M ₂ to 3,256.56M ₂ to reflect prefab sales office and 15% circulation allowance.
Total Yard			€51,5905.36	15% circulation allowance applies to all yard areas.
Total NAV			€108,400	
Yard as a percentage of total NAV			47.51%	

During cross examination Mr Hazel stated that he had reviewed the valuation and allowed 15% circulation but did not accept that he had consequently increased the NAV by changing the rate

for the gravel yard. He confirmed that his opinion of value included a prefab sales office which had not been included previously. Referring to the gravel area he did not point to a precedent whereby the rate should be 50% of the showroom and he did not accept that quantum should apply to the yard area though it was substantially larger than other yards/display areas.

8.7 Following a question from the Tribunal Mr Hazel confirmed that the level of key rental transactions was limited and that the Commissioner had relied mainly on transactions from the retail warehouse market.

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 Clare County Council.

10.2 The Tribunal has reviewed the evidence and paid particular attention to the two Key Rental Transactions 'KRT's' provided by the Respondents as they formed the basis for the assessment of the NAV's. Both referred to relatively small retail warehouses of 350M₂ and 360M₂ valued at €51/M₂ and €48/M₂ respectively from July 2019. Neither of these transactions allowed for a rental rate on yard accommodation. The Respondent stated that the reported retail warehouse KRT's in Riverside had not been valued in/line with all other Retail warehouses in Ennis- which had been assessed at €20/M₂ less. Details of these other higher retail warehouses may have been of greater assistance to the Tribunal.

10.3 The one KRT provided by the Appellants referred to a unit Homesavers Gort Road Ennis a unit of 1,652.87M₂ let from July 2020 at €50/ M₂ which also did not include any rental value for yard or car parking accommodation. The Tribunal noted that the occupier had been represented by the Appellants and their statement that *'the Commissioner accepted the rent of this property as the best evidence for its size and type in the general area'* was not disputed by the Respondents.

10.4 The Tribunal took note of the claim made by the Appellants that the main showroom should be rated at €70/ M₂ according to PN 2210562 Cummins Car Centre however it cannot accept this claim as the main car showrooms on the Gort Road/Mill Road have been valued at €80/M₂ and it accepts that the Cummins Car Centre at €70/ M₂ refers to a less valuable premises due to its location and profile. The Dulick Nissan Motors listing clearly contains one if not a number of errors and while the list is deemed to be correct the Tribunal finds in this case where the workshop is valued at €1.0/ M₂ that it cannot rely on this evidence.

10.5 Consequently the Tribunal finds that the Showroom rate is €80/ M₂. The workshop rate of €32/ M₂ is agreed though there is conflicting evidence which refers to lower rates of €25/ M₂ and

€27/ M₂. There was no objection to the rate of €32/ M₂ for the offices complement and the addition of the Prefab at €798.72 was accepted.

10.6 The issue of the yard accommodation and how it should be regarded was the main source of disagreement between the two expert valuers. They generally could not agree on the split or make up of the areas however both parties relied on or referred to an area of 1,479 M₂ for the front yard. The Tribunal accepts the division of the area of 1,730 M₂ into two separate sections comprising Display Yard Tarmac Side - 990 M₂ and Non-Display Yard Tarmac - 740 M₂. The NAV as published was based on 3,876 M₂ which was reduced to 3,251.56 M₂ to reflect the circulation space and as no alternative area was provided the Tribunal is satisfied that this area accurately reflects the gravel yard.

10.7 No evidence of the rental value of the yard accommodation was provided in any of the KRT's. However, the Tribunal finds in this instance due to the lack of any alternative basis that a tone of the list for tarmac yards is emerging and a level of €12.00/ M₂ was applied to 450 M₂ in Sheils Motor Group Gort Road; in Western Motors Mill Road for 2,410.28 M₂ and Hogan Motors Gort Road for 1,656 M₂ which is 40% of the showroom level of €80/ M₂. Consequently, this level has been accepted by the Tribunal for the front and side tarmac areas. Both parties in their respective submissions refer to a rate inter alia of €3.20/ M₂ for the rear yard and the Tribunal accepts this level is appropriate for a non-display rear tarmac area. The final section refer to the appropriate rate for the gravel area, and the Tribunal cannot see any justification whereby the published rate of €4.00/ M₂ should be unilaterally increased by 50% to €6.00/ M₂ and it finds that the rate of €4.00/ M₂ should be applied to the gravel area. A limited argument for quantum was made which was supported to an extent by the Respondents whereby they referred to the relativity that the yards had to the total NAV. In the case of the Sheils Motor Group it was 3%; however, it was 27.62% in Western Garages and 22.5% in Hogan Motors. However, the Respondents stated that the relative percentage was stated at 47.51% for the subject property based on the witness' opinion and this appears to be excessive to this Tribunal.

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 €102,000.

Description	Area M₂	€/M₂	NAV/ €
Showroom	421.56	€80.00	€33,724.80
Workshop	556.28	€32.00	€17,800.96
1 st floor offices	145.50	€32.00	€4,656.00
Prefab office	62.4	€12.80	€798.72
Total buildings	1,185.74		€56,980.48
Display Yard front tarmac	1,479	€12.00	€17,748.00
Display Yard side tarmac	990	€12.00	€11,880.00
Non display Yard rear tarmac	740	€3.20	€2,368.00
Display Yard gravel	3,251.56	€4.00	€13,006.24
Total Yard			€45,002.24
Total NAV			€101,982.72 Say €102,000

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.