

Appeal No: VA25/1/0013

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

FRANKIE SPORTS

APPELLANT

AND

TAILTE EIREANN

RESPONDENT

In relation to the valuation of

Property No. 10031828, Warehouse/Workshop at Unit N1 Kish Business Park, Arklow, County Wicklow (“the Property”).

B E F O R E

Donal Madigan - MRICS, MSCSI

Deputy Chairperson

Mema Byrne - BL

Member

Frank O’Grady - MA, FSCSI, FRICS

Member

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 9TH DAY OF JUNE 2026**

1. THE APPEAL

1.1 By Notice of Appeal received on the 14th day of February 2025 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value ‘(the NAV)’ of the Property was fixed in the sum of €38,800

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 28(4) of the Act because: 1. *The valuation of the subject property is excessive and inequitable in view of the tone of the list for comparable property. The subject property is a third hand structure with just 4.3m eaves. At the point of assessment, the Commissioner had valued just*

one other property in this location. There is good evidence that the Commissioner was prepared to take a considered approach to individual industrial property as low as €25/m² where warranted.

1.3 The Appellant considered, in the Notice of Appeal, that the valuation of the Property ought to have been determined in the sum of €27,100.

2. VALUATION HISTORY

2.1 On the 10th day of December 2024 a copy of a valuation certificate proposed to be issued under section 28 of the Valuation Act 2001 (“the Act”) in relation to the Property was sent to the Appellant indicating a valuation of €38,800.

2.2 A Final Valuation Certificate issued on the 20th day of January 2025 stating a valuation of €38,800.

3. THE HEARING

3.1 The Appeal proceeded by way of an oral hearing held remotely on the 09th day of February 2026. At the hearing the Appellant was represented by the Mr Eamonn Halpin B.Sc. (Surveying) M.R.I.C.S., M.S.C.S.I and the Respondent was represented by Ms Olwen Jones B.Sc (Hons) Estate Management 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 affirmation, adopted their précis as 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.

The Property is in Kish Business Park (“**KBP**”) Arklow in south Co. Wicklow. KBP is situated south of Arklow town close to J. 21 of the M11 motorway, which serves as both Arklow By-Pass and the primary route from Dublin to Wexford.

4.2 The Property is a detached warehouse on a large standalone site within KBP. It is a re-constructed warehouse and workshop building with enclosed yard, large car park with 3 steel containers.

4.3 The building is a 50-year-old metal clad steel portal frame structure with pitched roof which was deconstructed elsewhere and re-erected on the site in 2022.

4.4 The buildings are in good condition.

4.5 The floor areas are agreed between the parties (App 1, N/A to public).

Warehouse - 494.04 sq.m.

Workshop - 248.81 sq.m.

Yard - 269.55 sq.m.

Containers 3 x 18sq.m. 54 sq.m.

The buildings have an eaves height of 4.3m.

4.6 The property is owner occupied and held Freehold.

5. ISSUES

The matter at issue is quantum.

6. RELEVANT STATUTORY PROVISIONS:

The value of the Property falls to be determined for the purpose of section 28(4) of the Valuation Act, 2001 (as substituted by section 13 of the Valuation (Amendment Act, 2015) in accordance with the provisions of section 49 (1) of the Act which provides:

“(1) If the value of a relevant property (in subsection (2) referred to as the “first-mentioned property”) falls to be determined for the purpose of section 28(4), (or of an appeal from a decision under that section) that determination shall be made by reference to the values, as appearing on the valuation list relating to the same rating authority area as that property is situate in, of other properties comparable to that property.

7. APPELLANT’S CASE

7.1 Mr. E. Halpin for the Appellant adopted his precis and confirmed details on location, description and title and provided photographs of the Property. He amended his valuation in accordance with the now agreed floor areas. He stated that this is a 50-year-old re-constructed building with 4.3m eaves and not at all similar to other buildings in KBP. He opined that the value of the Property should be defined by the age, construction and eaves height of the structure.

7.2 To assist his case 4 NAV comparisons were presented (App 2, N/A to public).

1. PN 10029310 NAV €7,250

Warehouse 138.29 sq.m. @ €50/sq.m.

Modern (2008) warehouse in KBP.

2. PN 642770 NAV €13,790

Ground Floor Store 350.66 sq.m. @ €25/sq.m.

First Floor Store 140.57 sq.m. @ €25/sq.m.

Second Floor Store 60.76 sq.m. @ €25/sq.m.

3 storey stand-alone store in north Arklow.

3. PN 642461 NAV €33,900

Offices 100 sq.m. @ €45/sq.m.

Showroom 366 sq.m. @ €45/sq.m.

Workshop 299 sq.m. @ €32/sq.m.

Yard 500 sq.m. @ €6.75/sq.m.

Former showroom and workshop near M11.

4. PN 642471 NAV €4,130

Workshop 74.9sq.m. @ €35/sq.m.

Yard 433 sq.m. @ €3.50/sq.m.

Basic Workshop adjacent to No. 3.

7.3 Mr. Halpin contended for a reduction in the NAV citing the age and nature of the building stating that it was not comparable to other units in KBP.

His opinion of NAV

Warehouse	494.04 sq.m. @	€35/sq.m.
Workshop	248.81 sq.m. @	€35/sq.m.
Yard	269.55 sq.m. @	€3.50/sq.m.
Containers (3)	54sq.m . @	€7/sq.m.

NAV €27,400

Similar unit in MDI Park, Croghan Ind. Estate, Arklow located closer to the M11 and eaves height of 5m.

8.4 Ms. Jones commented on the Appellant's comparisons stating that only number 1, the unit in KBP was directly comparable with the subject and due to location, layout and user, the other comparables had to be dismissed.

8.5 Ms. Jones stated that her comparison clearly showed that the tone of the list for industrial properties in Arklow was set at €50/sq.m. She opined that the appellant had not shown any evidence that older buildings had been valued at a lower rate in any of the industrial estates in Arklow.

8.6 Ms. Jones' opinion of value, having investigated all particulars of the appeal, that the correct NAV of the property was €39,000.

Warehouse	494.04 sq.m.	@	€50/sq.m.	€24,702
Workshop	248.81 sq.m.	@	€50/sq.m.	€12,440
Yard	269.55 sq.m.	@	€5/sq.m.	€1,347.75
Containers (3)	54sq.m.	@	€10/sq.m.	€540
			NAV	€39,000

She requested the Tribunal to affirm the valuation as fair and reasonable in accordance with Section 49 of the Valuations Act 2001 as amended.

9. SUBMISSIONS

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 Wicklow County Council.

10.2 The Tribunal has examined the particulars of the property and considered the written and oral evidence adduced by Mr Halpin for the Appellant who contended for a reduced revised valuation of €27,400 and by Ms Jones who sought an increase in the valuation, to allow for amended floor areas and confirmation of the Respondent's increased valuation of €39,000 NAV.

10.3 The Appellant's case was that the subject property was a unique building having been dismantled and relocated on several occasions and relocated to its current position in KBP and therefore should be valued at a lower rate than other buildings in Wicklow County Council's rating area. The Respondent disagrees with this distinction and is of the opinion that the subject is a standard structure and should be treated accordingly.

10.4 Both parties provided a number of comparables of industrial units both in the KBP and other industrial estates around Arklow. The Respondent believes that only one is comparable as the other properties have different physical constraints. In all cases the Tribunal has assessed the evidence and taken note of the various comments.

10.5 The Respondent did provide a weight of evidence on KBP and subsequently advised the Tribunal that there was no representation on behalf of any of the properties prior to the establishing of the NAVs. However, Ms. Jones clearly showed that all the industrial estates were valued at the same rate of €50/sq.m. and the Appellant did not dispute the evidence or provide sufficient comparable information to overturn and argue with the tone of the list.

10.6 As with all Tribunal cases the onus of proof rests with the Appellant to demonstrate through cogent evidence that the Respondent has erred in the approach to the valuation.

10.7 In this case which is a revision appeal the Tribunal finds that the rate of €50/sq.m. for industrial buildings is well established as the tone of the list and the evidence provided by the Appellant did not sufficiently contradict the trend or show that the Respondent had erred in making the determination.

DETERMINATION:

Accordingly, for the above reasons, the Tribunal allows the appeal and increases the valuation of the Property to €39,000.

Warehouse	494.04 sq.m. @	€50/sq.m.	€24,702
Workshop	248.81 sq.m. @	€50/sq.m.	€12,440
Yard	269.55 sq.m. @	€5/sq.m.	€1,347.75
Containers (3)	54sq.m. @	€10/sq.m.	€540
	NAV	€39,000	

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.
