Appeal No: DS24/0/0016

AN BINSE LUACHÁLA
VALUATION TRIBUNAL

AN tACHT UM LÁITHREÁIN THRÉIGTHE 1990
DERELICT SITES ACT 1990

SEAN HAYES

APPELLANT

and

CORK COUNTY COUNCIL

RESPONDENT

In relation to the market valuation of
Derelict site at Main Street, Dunmanway, County Cork.

Margaret Nerney SC	**Chairperson**
Donal Madigan MRICS, MSCSI	**Deputy Chairperson**
Michelle O'Gorman BL	**Member**

JUDGMENT OF THE VALUATION TRIBUNAL

ISSUED ON THE 27TH DAY OF AUGUST 2026

Appearances

For the Appellant: Ms Donna Wilson, Solicitor. Mr Kieran O'Gorman Auctioneer and the Appellant Mr Sean Hayes attended the hearing.

For the Respondent: Donnchadh McCarthy BL and Kevin O'Leary, Solicitor. The hearing was also attended by Mr John Ryan, Valuer, Ms Noelle Desmond, Senior Executive Officer, Town Regeneration Unit, Cork County Council.

THE APPEAL

1. On 6th June 2024 a copy of a notice of determination of market value issued in accordance with s. 22 of the Derelict Sites Act, 1990 Act ('the Act') was sent to the appellant indicating a market value of €95,000 in respect of urban land situated at Main Street, Dunmanway, County Cork (hereinafter referred to as 'the derelict site').

2. The derelict site was entered on the Derelict Sites Register on 11th April 2024 and the notice of determination of market value issued on 6th June 2024.

3. By notice of appeal received on 3rd July 2024 the appellant appealed against the respondent's determination of value. The ground of appeal as set out in the notice of appeal is that the determination of the valuation of the derelict site is incorrect because: "[T]he market value is too high".

4. The Appellant considered, in the notice of appeal, that the market value of the derelict site ought to have been determined in the sum of €63,000.

THE HEARING

5. The appeal proceeded by way of a remote hearing held via Zoom platform on 22nd January 2026.

6. In accordance with the Valuation Tribunal (Appeals) Rules 2019 the parties' valuers exchanged their respective valuation reports prior to the hearing and submitted them to the Tribunal. At the oral hearing, each witness, having made an affirmation, adopted their valuation report as their evidence-in-chief in addition to giving oral evidence. Each valuer provided the standard declaration and statement of truth in accordance with Rule 41 of the Valuation Tribunal (Appeals) Rules 2019.

RELEVANT STATUTORY PROVISIONS

7. A local authority is required by s. 22 of the Act to determine, after a derelict site has been entered on the Derelict Sites Register maintained under s. 8 of the Act, the market value of that site in such manner and by such means as they think fit. In that regard, a local authority may authorise a person suitably qualified to inspect the site and report to them on the site's market value.

8. Under s. 2 of the Act 'market value' means the value of the relevant urban land assessed in accordance with s. 22. That assessment is undertaken, pursuant to s. 22, sub-s.1:

> *by estimating or causing to be estimated the price which the unencumbered fee simple of such land would fetch if it was sold on the open market on the valuation date in such manner and in such conditions as might reasonably be calculated to obtain for the vendor the best market price for the land.*

THE FACTS

9. On the basis of the evidence adduced by the parties, the following facts in respect of the characteristics of the derelict site were agreed, undisputed or proved to the satisfaction of the Tribunal:

(i) The derelict site is located in a prominent location in the centre of Dunmanway town in a mixed commercial and residential area. It is the enclosed site of a former three storey, mid terrace stone building that is now derelict. There are no windows intact, with the building element comprising a front façade wall and gable/party walls. There is outdoor space to the rear but no rear access.

(ii) The title consists of a plain copy deed of conveyance dated 4th February 2009 and Copy Form 1 Registry of Deeds memorial together with original map suitable for first registration purposes.

(iii) The gross internal floor area of the derelict site is agreed at 160 m.sq. The previous planning permission for the derelict site has expired and there is currently no submitted planning application relating to the derelict site.

APPELLANT'S CASE

10. The Appellant contends for a valuation of €63,000. Correspondence submitted by Mr Kieran O' Gorman, on behalf of the Appellant, dated 20th August 2025 states: *"A sale price of €63,000 has been agreed for the above property. I can confirm that this property was on the market for a period of up to six months before it went sale agreed. I understand that the above property was on the market with two other Estate Agents with little or no interest. I can clarify that there were no other offers for the property and in these circumstances, I believe it is the best open market offer available."*

At the appeal hearing, Ms Wilson submitted on behalf of the appellant that he, the appellant, was seeking a reduction in the respondent's valuation from €95,000 to €63,000. She outlined that the derelict site is a derelict, structurally unsound building, with no services, which is incapable of occupation or any functional use. She confirmed that she had been instructed in relation to the sale of the derelict site since 2016, that the current sale agreed price for the dwelling is €63,000; that a sales notice issued on 18th October 2024; contracts have issued for this price and they need to finalise the sale. Her evidence was that the appellant had been trying to sell the derelict site for up to 15 years. She explained that there was no rear access to the derelict site as there was a high rock face at the back of the property. Ms Wilson confirmed that the 2004 planning permission relating to the derelict site had expired and no new planning application had been submitted since that date. Ms Wilson's evidence was that the appellant did not have title deeds for the derelict site and that eventually a plain copy of the title deeds was found but that the sale process was held up by the valuation process, which had to be disclosed in the pre-contract queries.

Under cross-examination, Ms Wilson agreed that the appellant will have to pay the derelict site levy up to the date of sale. It was put to Ms Wilson that the difficult title to the derelict site was holding up the sale, and Ms Wilson indicated that it was a mixture of the valuation appeal and the difficult title that was in fact holding up the said sale.

Mr O'Gorman's evidence was that he recently sold a three storey residential property beside the derelict site and he explained that properties in Dunmanway commanded a lower price than other towns in the area. His evidence was that a substantial property across the road from the derelict site, with services (Fitzpatrick's, a former pub) sold for €105,000. In relation to comparables, Mr O'Gorman stated that the Bank of Ireland building was not comparable to the derelict site as it contained just a façade, with no roof or back wall and it was literally a yard with no services on site. He confirmed that when he put the derelict site on the market, potential purchasers had no interest in it once they saw it. His evidence was that the derelict site was on the market for a considerable amount of time, that a previous auctioneer had one offer for €60,000 and that he was instructed some time ago in relation to the sale. It was explained that the derelict site comprised a façade, with no internal walls and no rear access to it.

Mr O' Gorman agreed that he had not put comparator valuation evidence before the Tribunal. He stated that he could not say when he was engaged to sell the derelict site as he did not have his letter of engagement in front of him but it was agreed that the sales advice note relating to the sale issued on 18th October 2024. He stated that the value of properties in Dunmanway was not rising as fast as in other towns in Cork. He disagreed that the property next door, which sold for €160,000 in July 2022, was a correct comparison as it did not compare size-wise, condition-wise or accommodation-wise to the derelict site. In relation to the derelict site, he stated that the valuation to him was what the property would make on the open market and he stated that Sherry Fitzgerald, the previous auctioneers, achieved an offer of €60,000 for the derelict site. Mr O' Gorman's evidence was that he advertised the derelict site on his website and he put a 'for sale' sign on the property and that it was still on it. It was put to Mr O' Gorman that there would be grants available for the derelict site of up to €70,000 and he stated that this sum would not cover planning permission, building the internal walls and obtaining services on the site. He outlined that the property was a yard but accepted that the derelict site had a front wall and two gable walls. In relation to the offer to sell the derelict site to the council for €200,000 on 6th July 2022, Mr O Gorman stated that a party could look for any price they wished but he felt the figure of €200,000 was unrealistic. Mr O' Gorman stated that he could not comment on the suggestion that if the derelict site previously had planning permission it would be indicative that planning permission would be granted into the future. He confirmed that he had initially offered the derelict site for sale at €70,000 but that there was limited interest.

In response to questioning by the Tribunal, Mr O' Gorman stated that he agreed that the value of the derelict site on 10th June 2024 was €65,000 but that the current purchaser had initially offered €65,000. However, as the purchaser was not happy with the site surveys, the price was renegotiated down to €63,000. Mr O'Gorman confirmed that the property across the road from the derelict site (namely Fitzpatrick's pub) was not on the market in June 2024 and that this sale was subsequent to the valuation date.

The appellant's evidence was that he accepted that the market value of the derelict site was €65,000 as per Kieran O'Gorman's report. He outlined that the current price of the property, in the contract for sale, is €63,000 and he confirmed that he will be selling it for this price. He stated that the derelict site was for sale for a long time and there had been very little interest in it. He confirmed that he did not accept the valuation of €95,000 placed on the derelict site by DNG John Ryan in the valuation report dated 20th May 2024. In cross-examination by Mr McCarthy BL, the Appellant stated that he bought the derelict site for in and about IR£23,000 about forty years ago. He accepted that in July 2022 the derelict site was offered to Cork County Council for €200,000 and that in 2024 the derelict site was put on the derelict sites register. When questioned, the appellant denied that he only wanted to sell the derelict site once it was designated as a derelict site and it started costing him money. The appellant's evidence was that the derelict site was in very poor condition when it was purchased and that the back section had collapsed into the floor and he cleaned it up and made it safe after he bought it. He confirmed that he never rented the ground floor of the derelict site as a commercial unit, that no one ever occupied it during his ownership nor was it ever used for storage.

In closing the appellant's appeal Ms Wilson stated that they were rebutting the respondent's valuation as Dunmanway was considered a disadvantaged town and the derelict site could only attract a particular purchaser with resources to develop it.

RESPONDENT'S CASE

12. Mr McCarthy BL submitted on behalf of the respondent that as of the valuation date the market value of the derelict site was €95,000. Mr John Ryan adopted his report dated 20th May 2024 as his evidence-in-chief. His evidence was that the valuation was done on the basis of a 'kerbside' viewing and on the basis of comparables and other research. Mr Ryan also stated

that the derelict site was in the centre of Dunmanway and that he had assumed, as it is on a main street, that all services were to hand. Mr Ryan's evidence was that the planning permission that had been submitted, but subsequently expired, was for a commercial unit on the ground floor of the derelict site. His evidence was that on 20th May 2024 there would have been €70,000 in grant aid available and he said that the fact that the derelict site previously had obtained planning made it more likely that it would get planning again. He agreed that Dunmanway would not benefit from the levels of valuation from which coastal towns in Cork would benefit.

In response to questioning by Ms Wilson, Mr Ryan explained that he had not arranged an internal valuation of the derelict site as he was not instructed so to do by the Respondent. His evidence was that the services could be re-connected to the derelict site, but at a cost. He agreed that the vacant property grants could not be accessed by a company and his evidence was that the vacant property grants had increased significantly since 2024. It was put to Mr Ryan that the former Bank of Ireland building was not comparable to the derelict site as this comparable had operated as a bank and had windows. In response to this, Mr Ryan explained that he had discounted the value in accordance with the condition of the derelict site and that location was the primary determinant.

Ms Desmond also gave evidence to the Tribunal and adopted her précis as her evidence-in-chief. She stated that on 11th April 2024 the derelict site was entered on the Derelict Sites Register. Ms Desmond confirmed that there was mains water and a sewer on Main Street running outside the derelict site and she also stated that there was demand for such properties. She confirmed that, in June 2024, the derelict site would have qualified for €70,000 grant aid. Ms Desmond stated that the respondent engages with derelict site owners on a case-by-case basis and they often waive levies if derelict properties are to be developed. Ms Desmond's evidence was that, for a number of reasons, the respondent did not have an interest in purchasing the derelict site in 2022. She also explained that the respondent had complied with the law when fixing the derelict notice on the derelict site.

13. Mr Ryan in his report dated 20th May 2024 gave what he contended, on behalf of the respondent, was a comparable property on Main Street, Dunmanway, Co. Cork, P47H290. This building sold for €160,000 in July 2022. Mr Ryan's report outlined that this stated comparable property is a three storey, mid-terrace commercial unit that is next door to the

derelict site, operated as a bank and was sold fitted out as such. Mr Ryan's report outlined that this building is in much better repair but would also need considerable investment to refit or redevelop.

In closing submissions, Mr McCarthy BL submitted that Mr Ryan's evidence was preferable to the evidence of Mr O' Gorman. He stated that the Tribunal only had a letter relating to valuation from Mr O' Gorman, that he, Mr O'Gorman, had not relied on any relevant comparables, and that it was unclear as to when Mr O' Gorman had been instructed. He stated that Mr Ryan had noted the best possible comparator (being a property next door to the derelict site) and he referred the Tribunal to the grant aids (up to €70,000) that were available to purchasers. He pointed the Tribunal to correspondence on the file which indicated that the appellant's agent had sought €200,000 for the derelict site when the property was not registered as a derelict site. He further pointed to what he stated was a 'great coincidence' of the placing of the derelict site on the Derelict Sites Registrar and the property going sale agreed.

FINDINGS AND CONCLUSIONS

14. On this appeal the Tribunal is required to determine the market value of the derelict site, as defined in s. 2 of the Act, assessed in accordance with s. 22 of the Act.

15. Mr Ryan stated that on the instructions of the respondent he carried out a "drive by" inspection of the derelict site. While this inspection may meet the respondent's requirements, it does not represent a full Red Book valuation, as prescribed by the Society of Chartered Surveyors and the Royal Institution of Chartered Surveyors. The Tribunal is cognisant that such drive-by inspections have obvious limitations.

16. In accordance with Section 8(7) of the Derelict Sites Act 1990, the derelict site was placed on the Derelict Sites Register on 11th April 2024. The respondent's valuation of the derelict site was entered onto the Register on 27th May 2024 and the appellant was notified of the notice of determination of market value by correspondence dated 6th June 2024. At the hearing of this appeal the valuer for the appellant contended for a valuation of this derelict site of € 65,000, whereas the valuer for the respondent contended for a valuation of € 95,000. The sale price ultimately achieved for the derelict site was € 63,000.

17. The appellant's valuer relied, primarily, upon the sale details for the derelict site to support his opinion. It is understood that the sale has now closed, since the hearing of the appeal, for the reduced sum of €63,000. The appellant's valuer also referred to a comparable across the street from the subject (not contained in his report) which was discussed at the hearing, being Fitzpatrick's (a former pub plus residential accommodation with vacant possession) that had been offered to the market by Lehane and Associates at a price of €135,000 but which has since been sold, just before the hearing, for €105,000. This property might be considered superior to the derelict site as being, as far as can reasonably be established, more in the nature of a building in need of repair than merely a derelict site, like the subject.

18. The respondent's valuer relied upon the sale of the Bank of Ireland building next door to the derelict site which had been sold in July 2022 for €160,000. The Tribunal considers this adjacent former Bank of Ireland building to be markedly different to the derelict site in that it was capable of occupation and in reasonable condition, albeit that it was necessary to have it renovated by the new owners, after purchase, as confirmed at the hearing.

19. Having considered the opinions of both valuers and the very limited comparable evidence submitted, the Tribunal considers the subsequent sale price of the derelict site for €63,000 to be the most appropriate market value to apply in this appeal, notwithstanding the difference in the date of sale contrasted to the original valuation date because:

(a) other comparable evidence is limited in both quality of comparability and number of transactions referred to;

(b) the deficient characteristics of the derelict site are not reflected in the sale details of the other properties;

(c) the comparables submitted are not in themselves derelict sites;

(d) the ability of a purchaser to immediately develop the derelict site was not readily apparent given the inconclusive position on services to facilitate any development, and

(e) where the sale price is available for reference then that is, in all probability, the best guide to value as being the most pertinent to capture and reflect all of the qualities and disadvantages of the derelict site in the circumstances.

DETERMINATION:

Accordingly, for the above reasons, the Tribunal allows the appeal and determines that the market value of the derelict site falls to be amended to sixty-three thousand euro, €63,000, as of the valuation date.

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.