

**NORTHERN IRELAND VALUATION TRIBUNAL  
THE RATES (NORTHERN IRELAND) ORDER 1977 (AS AMENDED)  
AND THE VALATION AND TRIBUNAL RULES (NORTHERN IRELAND) 2007  
Case Reference: 38/15**

**BETWEEN:**

**JOHN TRODDEN - APPELLANT**

**-and-**

**THE COMMISSIONER OF VALUATION FOR NORTHERN IRELAND -  
RESPONDENT**

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**NORTHERN IRELAND VALUATION TRIBUNAL  
CHAIRMAN: MR KEITH GIBSON B.L.  
MEMBERS: MR PHILIP MURPHY FRICS; MS NOREEN WRIGHT**

**INTRODUCTION**

1. This appeal was heard by way of written notice only on the 20<sup>th</sup> July 2016.
2. The Appellant in this particular instance appeals against a decision by the Respondent to value his property situate at 80 Creevehill Road, Brookeborough, Fivemiletown, Co Fermanagh, BT75 0SX in the sum of £47,000 at the relevant date.

**The Property**

3. The property itself is a house of some gross external area of 62 metres square, built in or around 1910. The Appellant's appeal pertained, in essence, to the state and condition of the property which the Appellant described as uninhabitable and beyond economic repair. The Appellant further indicated that Planning Permission had been granted for a replacement property and sought to utilise the fact that such an application had been made as justification for the notion that the property was uninhabitable and beyond economic repair.
4. In reply to the Respondent's Statement of Case, the Appellant attempted to bolster his grounds of Appeal by suggesting that:
  - i. No reasonable amount of repair works could restore the premises to be occupied as a dwelling; and
  - ii. The property is truly derelict and is incapable of being repaired to a habitable condition.

**THE CONDITION OF THE PROPERTY**

5. Helpfully, in the Statement of Case prepared by the Respondent, there was a photograph of the front elevation of the property. Further photographs of the inside of the property were also made available and copies of those photographs are contained at Appendix A to this Judgment. The condition of the property from an inspection of the photographs and a description in the Statement of Case makes clear that this is a property, contrary to the Appellant's submissions, in reasonable condition. It is a

small bungalow but appears to be watertight with all windows present along with doors and, insofar as can be judged from the photographs, a complete roof. The interior photographs show a property in poor decorative repair but with a fitted kitchen. The assessment by the valuer appointed by the Respondent was that the external walls, roof and chimney structures were in sound condition and that there were no clear signs of any defects.

6. The Appellant further complains of what he maintains is an inconsistency in the approach adopted by the Respondent in valuing the property when it was inspected but relying on the antecedent valuation date of the 1<sup>st</sup> January 2005.

### **TRIBUNAL'S DECISION**

7. The Respondent, in its submissions both in writing and orally, are to the effect that Schedule 12, Paragraph 12(1) of the Rates (Northern Ireland) Order 1977 makes clear that the valuer must assume an average state of internal repair and fit out, having regard to the age and character of the hereditament and its locality. In support of same, the Respondent points to the decision in England and Wales of **Wilson –v- Coll** [2011] EWHC 2824. The decision of Mr Justice Singh and the previous decisions of this Tribunal are of persuasive, if not binding authority, but the bar which is set is a fairly high one for any Respondent, for he or she must prove that the property is truly derelict. Implicit within the notion of a truly derelict property is a property which will be extremely difficult, if not impossible, to return to its status as a dwelling house.
8. The Tribunal as a matter of fact finds that this is patently not the case in this particular instance, for photographs of the property indicate that, whilst in poor repair, it is still immediately recognisable as a dwelling house and whilst there are issues with decoration the property still exists as a recognisable hereditament.
9. In relation to the remaining ground of appeal, namely that there is some inconsistency in considering the condition of the property at the date of inspection but applying the valuation date of the 1<sup>st</sup> January 2005, again this was without merit. The grounds for assessing the value of the property are as set out in the Rates (NI) Order 1977 and is reiterated in numerous decisions of this Tribunal. The capital value assumptions contained within paragraphs 9 to 15 of Schedule 12 to the 1977 Order make clear what the valuer must take into account when valuing the property. The valuer, quite obviously, has no ability to assess the condition of the property on the 1<sup>st</sup> January 2005 but the exercise which is undertaken is to assess the value of the property as it stands. This is a fundamental tenet of valuation principles and does not affect the ability of a qualified valuer to retrospectively assess the value on the 1<sup>st</sup> January 2005.
10. The unanimous decision of the Tribunal is that this appeal be dismissed.

**Keith Gibson – Chair**

**Northern Ireland Valuation Tribunal**

**Date decision recorded in register and issued to parties: 4 August 2016**

**Appendix A – John Trodden**





