

**NORTHERN IRELAND VALUATION TRIBUNAL**  
**THE RATES (NORTHERN IRELAND) ORDER 1977 (AS AMENDED) AND**  
**THE VALUATION TRIBUNAL RULES (NORTHERN IRELAND) 2007**

**CASE REFERENCE NUMBER: 44/13**

**PAUL GRIBBEN – APPELLANTS**

**AND**

**COMMISSIONER OF VALUATION FOR NORTHERN IRELAND –  
RESPONDENT**

**Northern Ireland Valuation Tribunal**

**Chairman: Mr Michael Flanigan**

**Members: Mr Philip Murphy and Mr Alan Martin**

**Belfast, 27th November 2014**

**DECISION**

**Decision and Reasons**

1. Neither the Appellant nor the Respondent appeared and both parties relied on their written submissions only.
2. The subject property (“the property”) in this appeal is situated at 39 Magheramayo Road Castlewellingan County Down. The property is a detached house built around 2007.
3. On 8<sup>th</sup> January 2014, the Commissioner’s Decision on Appeal reduced the capital valuation of the property from £290,000 to £260,000. The Appellant appealed against that decision under Article 54 Rates (Northern Ireland) Order 1977 by way of Notice of Appeal dated 28<sup>th</sup> January 2014.
4. The Tribunal considered all documents before it.

## 5. The Law

- 5.1 The statutory provisions are set out in the Rates (Northern Ireland) Order 1977 ( "the 1977 Order") as amended by the Rates (Amendment) (Northern Ireland) Order 2006 ("the 2006 Order")

## 6. The Evidence and Submissions.

- 6.1 The appellant had submitted that the premises were not finished, having "no running water, no fire, no water supply". The appellant raised other issues in relation to the condition of the lane that serves the premises and submitted that the correct valuation of the premises was £210,000. The appellant did not submit evidence from comparables to support this valuation.
- 6.2 The Respondent submitted a Schedule of Comparisons comprising 4 comparable properties.
- 6.3 The appellant had not permitted the Respondent access to the premises to inspect the internal condition and had refused the Respondent permission to carry out an unaccompanied external inspection.
- 6.4 The respondent submitted that they were entitled to rely on the statutory presumption in the 2006 Order that the premises were in an average state of internal repair and fit out.
- 6.5 The Respondent accepted that the condition of the lane did give grounds for an allowance and had reduced the original capital valuation of £290,000 to £275,000 and then further by approximately 5%, to reflect the lane access, to the current figure under appeal of £260,000.

## 7. Decision of Tribunal

- 7.1 In dealing with the instant case the Respondent relied substantially upon their Schedule of Comparisons. The Tribunal does not believe it necessary in this case to analyse each of the comparables here but that it is sufficient to note that the comparables included hereditaments of similar size and location to

the subject premises, with valuations which substantially supported the Commissioner's valuation of £260,000.

- 7.2 The Respondent was unable to gain access to the premises and therefore there was no evidence before the Tribunal to support the appellant's claims for the condition of the premises.
- 7.3 The Tribunal was ultimately satisfied that the Respondent had demonstrated that the weight of comparable evidence supported the Commissioners decision of 8<sup>th</sup> January 2014 and in doing so applied the statutory presumption that the premises were in an average state of internal repair and fit out.
- 7.4 Examining the submissions from both parties, the Tribunal's unanimous decision is that the Commissioner's Decision on Appeal is upheld and the appeal is dismissed.

Chairman: Michael Flanigan

A handwritten signature in black ink, appearing to read "M. Flanigan". The signature is written in a cursive, flowing style.

11<sup>th</sup> December 2014