

NORTHERN IRELAND VALUATION TRIBUNAL
THE RATES (NORTHERN IRELAND) ORDER 1997 (AS AMENDED) AND
THE VALUATION TRIBUNAL RULES (NORTHERN IRELAND) 2007

CASE REFERENCE: 6196779-2

MR RYAN TIERNEY

Appellant

-against-

COMMISSIONER FOR VALUATION FOR NORTHERN IRELAND

Respondent

Northern Ireland Valuation Tribunal Date of Hearing: 4th September 2013

Chairman: Francis Farrelly Esq. LL.M

Members: Siobhan Corr, MRICS and Mr Patrick Cumiskey

Decision

The unanimous decision of the Tribunal is that the appeal is dismissed.

Introduction

The appeal was heard on the papers in accordance with Rule 11 (1) of the Valuation Tribunal Rules (Northern Ireland) (2007).

The property is 33A Aghnagar Road, Mullysilly, Galbally, Dungannon BT70 2HP.

The appellant has appealed the decision of the Commission for Valuation for Northern Ireland (The Commissioner) dated the 8th March 2013 in respect of his property. The capital value has been put at £255,000.00 .

The Tribunal considered the Notice of Appeal and the respondent's presentation of evidence and accompanying documents. It is for the appellant to show on the balance of probabilities that the valuation is incorrect.

The Relevant Law

The statutory provisions are set out in the Rates (NI) Order 1977 as amended by the Rates (Amendment) (Northern Ireland) Order 2006 . Article 2 (2) of the 1977 Order defines a hereditament as follows “hereditament means property which is or may become liable to a rate, being a unit of such property which is, or would fall to be, shown as a separate item in a valuation list”.

Schedule 12 of the 1977 Order provides that the capital value of hereditament shall be the amount which, on the assumptions mentioned in Paragraphs 9-15, the hereditament might reasonably have been expected to realise if it had been sold on the open market by a willing seller on the relevant capital valuation date. In estimating the capital value of a hereditament for the purpose of any provision of a valuation list, regard shall be had to the capital values in that valuation list of comparable hereditaments in the same state and circumstances as the hereditament whose capital value is being revised. Paragraph 12(1) deals with statutory assumptions, namely: “the hereditament is in an average state of internal repair and fit out, having regard to the age and character of the hereditament and its locality.

Issues arising

The property is clearly a hereditament liable to a rate within the definition. The issue is whether the capital valuation is correct.

In the respondent presentation of evidence there are photographs of the appellant's home. It is an attractive and well finished new build property. It is two-storey and stone-faced in landscaped grounds set in a rural location. It has a gross external area of 321.0 M and has a 40.68 attached garage at the rear of the property. It is located approximately 1 mile from the main Dungannon -Ballgawley Road, approximately 4 and a half-mile from Ballygawley and 10 miles from Dungannon. It is supplied with mains water and uses a septic tank.

In order to assess the proper value the respondent had regard to other properties in the area which were felt to be fair comparables. The value is based on assessments as at 1 January 2005 and not on current market values. The respondent has provided a location map which shows the appellant's property and the two comparables used. Other comparables in the vicinity have also been provided. Most of the properties appear to be located close to secondary roads.

The respondent considered the best comparable was 107 C Killeeshil Road. This had a similar size garage but the house was some 13 m smaller . It was valued at £245,000.

Another comparator used was 31 Coolhill Road which was slightly smaller by 3 m and had a smaller garage but had additional outbuildings and was valued at £260,000.

The appellant believes his property has been overvalued and he refers to a property at 67 Killeehil Road as a more appropriate comparables. A photograph is provided in the papers. This property is identified in a list of the comparables used and has a value of £245,000. It is the appellant's contention that his property has a corresponding value of around £245,000. It has an area of 315.10 m, being 6.3 m less than the subject property and has a larger garage at 59.29m.

Consideration.

It can be difficult to apply comparables to properties in a rural location given the wide variety of styles and age and geographical location. In the present case we have been presented with a selection of properties which are in relative close proximity to the main Ballygawley Road and are located off various side roads. The properties used as comparables are all post-1990.

The appellant's property is a recently built property. The papers and valuer comments indicate it was completed in or around 2011. It appears from the photograph to have been constructed to a high standard with stone cladding and attention paid to decorative features.

In appearance, the comparable used as closest by the respondent, 107C Killeeshill Road, is considerably different. From the photograph it presents as a square block and lacks the ornamental features of the appellant's property.

It was our view that in terms of style the property at 31 Coolhill Road was closer. As stated, this is valued at £5000 more than the appellant's home.

Whilst there are some similarities in style of the comparable favoured by the appellant, 67 Killeeshill Road is a bungalow whereas the appellant's home is on two storeys. That is not to say that one type of house has a greater value than another. However the point is made to show there are differences in the properties.

Valuation is not an exact science. There is not a vast amount of money in dispute in relation to the valuation. The only true measure of a value is when a property is sold. Our task is to make an assessment. We have considered the various comparables. As indicated we are drawn more towards number 31 Coolhill Road than 107C Killeeshill. As stated this is slightly smaller than the appellant building yet is valued at £5000 more.

Our conclusion that in the round the value attributed to the appellant's property is reasonable and fair bearing in mind the general tone as reflected in the comparables used. We appreciate our decision will be a disappointment to the appellant particularly bearing in mind the general fall in property prices. However, our task is to consider the appropriateness of the comparables used rather than properties current value.

Decision

The appellant has not discharged a burden of proof upon him to show that the valuation assessed for the subject property is not correct in accordance with Paragraph 7 of Schedule 12 of the 1977 Order. In all of the circumstances and in light of the findings above the Tribunal is satisfied that the valuation shown on the valuation list in relation to the subject property is correct. The unanimous decision of the Tribunal is that the appeal is dismissed.

Francis Farrelly Chair
Northern Ireland Valuation Tribunal

26th March 2014