NORTHERN IRELAND VALUATION TRIBUNAL

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

CASE REFERENCE NUMBER: 09/25

GERARD DORAN - APPELLANT

AND

COMMISSIONER OF VALUATION FOR NORTHERN IRELAND - RESPONDENT

Northern Ireland Valuation Tribunal

Chairman: Mr James Leonard, President

Members: Mr A Tough FRICS & Ms N McCartan

Hearing: 22 October 2025, Belfast

DECISION

The unanimous decision of the tribunal is that the appellant's appeal does not succeed and the appeal is dismissed by the tribunal, without further Order.

REASONS

Introduction

1. This appeal consists of a reference under Article 54 of the Rates (Northern Ireland) Order 1977, as amended ("the 1977 Order"). The appellant, by Notice of Appeal (Form 3) appealed against the decision of the Commissioner of Valuation in a Valuation Certificate in respect of the Capital Value of a hereditament situated at number 10 Ayallogue Road, Newry BT35 8RQ ("the property").

2. The tribunal sat to hear the matter on 22 October 2025. The appellant indicated that he was content for the appeal to proceed upon written representations. The respondent also agreed to that course. The chair and valuation member attended in person and the ordinary member remotely, by WebEx.

<u>The Law</u>

3. The relevant statutory provisions are to be found in the 1977 Order, as amended by the Rates (Amendment) (Northern Ireland) Order 2006 ("the 2006 Order"). As is now the case in all determinations of this nature, the tribunal does not intend in this decision fully to set out the detail of the statutory provisions of Article 8 of the 2006 Order, which amended Article 39 of the 1977 Order as regards the basis of valuation, for the reason that these provisions have been fully set out in many previous decisions of the Valuation Tribunal, readily available. All relevant statutory provisions and principles were fully considered by the tribunal in arriving at its decision in the matter. Antecedent Valuation Date ("AVD") is the date to which reference is made for the assessment of Capital Values in the Valuation List. Until a further domestic property revaluation occurs, Capital Values are, under the statutory regime, notionally assessed as at 1 January 2005, that being the AVD for the purposes of the domestic rating scheme. The legislation, at Schedule 12, paragraph 7 of the 1977 Order provides that the Capital Value of a hereditament shall be the amount which, on the assumptions mentioned (materially paragraphs 11 and 12 of Schedule 12, the pertinent details of which are mentioned below), 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. The relevant paragraphs of Schedule 12 include the following statutory assumptions, which provide that –

- The hereditament is sold free from any rentcharge or other incumbrance;
- 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; and
- The hereditament is otherwise in the state and circumstances in which it might reasonably be expected to be on the relevant date.

<u>The Issue to be Determined and the Evidence</u>

4. The central issues in this case are twofold. Firstly, the appellant challenges the Capital Valuation, with an issue being raised about a person with a disability. Secondly, the appellant challenges the assessment that there is no agricultural allowance applied. It is perhaps worthwhile mentioning part of what the appellant has had to say in the appeal form. Here the appellant states as follows:

> "*There are two main reasons. Firstly the valuation going from £120,000 to £270,000 and then back to £240,000. The original valuation was £120,000 and the house was renovated for a severely disabled child. The two-*

storey part of the house has not changed in size. The single-storey room on either side of the house has been extended plus a small out-shot to the front & back. The total size of the property has been extended approx 30% but this cannot justify this increase of £120,000 to now £240,000 valuation. The other issue is the reduction in farm building discount. This is and always was a farm dwelling and the farm is being managed, maintained and cropped each year. This is my third appeal and is a serious situation because of the increase in valuation from £120,000 to £240,000 which has doubled. This needs to be re-examined on all aspects and a lower justifiable figure agreed."

The tribunal had before it the appellant's Form of Appeal to the tribunal (Form 3) dated 13 May 2025 and the documents also included the following:

4.1 Copy Valuation Certificate in regard to the property, issue date 24 March 2025, signed by the Commissioner of Valuation (revised Capital Value of £240,000 indicated in substitution for a previous Capital Value of £270,000).

4.2 A document dated 18 June 2025 consisting of a Presentation of Evidence prepared on behalf of the Commissioner, as respondent, by Mr Andrew Carr MRICS and submitted to the tribunal. This Presentation of Evidence includes a timeline which indicates, in a little detail, the following material dates:

8 November 1990: Property entered into the Valuation List.

1 April 2007: Property details recorded as habitable space of 160m2, unadjusted Capital Value of £150,000, reduced to £120,000 with Agricultural Allowance.

6 December 2024: Case registered to value extension.

16 January 2025: Site inspection. Habitable space increased from 160m2 to 252.9m2. Garage of 57.2m2. Survey taken from plans.

5 February 2025: Valuation Certificate issued. Agricultural allowance removed. Capital Value reverted to £150,000. Subsequently, unadjusted Capital Value was increased from £150,000 to £270,000.

25 February 2025: Appeal to the Commissioner of Valuation challenging the Capital Value.

13 March 2025: Site inspection. Property was measured as Habitable Space of 257.6m2. Garage of 58.4m2.

24 March 2025: Certificate issued. Capital Value was reduced at appeal from £270,000 to £240,000.

4.3 Copies of various emails and communications.

5. The Presentation of Evidence provides a property description (with which basic description the appellant do not appear to take issue). The property is a pre-1919 detached house located on the Ayallogue Road approximately 1.5 km north-east of Meigh village. The property has recently been extended and refurbished. Previous extensions did not appear to have been measured and valued for rating purposes. The GEA (Gross External Area) now measures as Habitable Space of 257.6m2 with a garage of 58.4m2. The property is occupied by the appellant's daughter and her family. The Presentation of Evidence records that the occupier had been receiving Agricultural Allowance which reduced the original Capital Valuation by 20% to £120,000, but this had been removed because the appellant's daughter was currently occupying the property and she had confirmed that her primary occupation was not the carrying on or directing of agricultural operations. Accordingly, Agricultural Allowance was not applicable. Appendix 1 to the Presentation of Evidence sets forth a schedule of comparisons consisting of the property and four other properties contended to be in the same situation and circumstances. External photographs of the property are provided and there is also a location map indicating the location of the property and some other properties which are submitted on behalf of the respondent as being comparable.

6. The Appendix to the Presentation of Evidence provides details in respect of a total of five identified submitted comparables, including the property (all of which are pre-1919 Detached dwellings and in average external repair). These are as follows:-

1. 10 Ayallogue Road, Newry (the property). Habitable Space 257.60m2, Garage 58.40m2. The Capital Value is £240,000.

2. 40 Flagstaff Road, Newry. Habitable Space 276.20m2, Garage N/A. The Capital Value is £235,000.

3. 1 Flagstaff Hill, Newry. Habitable Space 269.0m2, Garage N/A. The Capital Value is £230,000.

4. 15 Killeen School Road, Newry. Habitable Space 205.0m2, Garage 44.5m2. The Capital Value is £210,000.

5. 15 Bernish Road, Newry. Habitable Space 236.0m2, Garage N/A. The Capital Value is £205,000.

7. The respondent's case is that the property has been correctly valued and included in the Valuation List and the case for the correctness of the assessed Capital Valuation is made based on the statutory considerations and evidence of comparables included in the Presentation of Evidence, with specific submissions advanced in respect of these comparables.

THE TRIBUNAL'S DETERMINATION

8. The tribunal must accomplish two tasks in this appeal, in sequence. Firstly, it must determine whether or not the property is to be afforded Agricultural Allowance, as argued by the appellant. The tribunal notes the respondent's case that the property is currently occupied in a manner that would not permit the affording of this allowance, for the reason that the current occupier is a daughter of the appellant and the appellant has not tried to make the case, expressly, that this specific occupier fulfils the requirements of agricultural occupancy. Here, the property must be occupied in connection with agricultural land and used as the dwelling of a person whose primary occupation is the carrying on or directing of agricultural operations on that land. Nowhere in the case advanced is there any evidence of such occupation or of such activities. The primary onus is on the appellant to prove this to be the case and he has not done so. Accordingly, the tribunal's finding is that no such allowance applies.

9. The tribunal then turns its attention to the Capital Value issue. On one specific point, the respondent's position has been communicated to the appellant. If the premises were to be such that Disabled Persons' Allowance might apply, there is nothing preventing the appellant from making such an application, but he has not done so to date, notwithstanding that this possibility has been expressly brought to his attention by the respondent. In respect of the Capital Value assessment, the tribunal has noted the evidence emerging from the comparables comprised within the Presentation of Evidence. Having carefully noted this evidence and in the absence of any other evidence of this type being put forward by the appellant, the tribunal's assessment is that the Capital Value of the property has been correctly assessed and is "in tone", for the purposes of rating valuation. Assessing all of the available evidence, the tribunal does not detect any significant deficiency or manifest error in the assessment of the Capital Value of the property. Examining the range of Capital Values concerning the five properties presented, including the property, the valuation regime applied to the property seems to have correctly and accurately assessed concerning the Capital Value.

10. As the tribunal has often observed, there is a statutory presumption contained within the 1977 Order, Article 54(3). Because of this, any valuation shown in a Valuation List with respect to a hereditament shall be deemed to be correct until the contrary is shown. In order to succeed in an appeal to the tribunal, any appellant must either successfully challenge and displace that statutory presumption of correctness or perhaps the Commissioner's decision on appeal, objectively viewed, must be seen by the tribunal to be so incorrect that the statutory presumption must be displaced and the tribunal must adjust the Capital Value to an appropriate figure. The tribunal, in assessing this appeal, saw nothing in the general approach taken to suggest that this has been approached for assessment in anything other than the prescribed manner, as provided for in Schedule 12 of the 1977 Order. This being so, as the appellant has not put forward any effective and compelling challenge to the respondent's schedule of comparables, nor any evidence or argument effectively to displace the statutory presumption of correctness in respect of the Capital Valuation, the presumption of correctness is not displaced.

11. For these reasons the tribunal's unanimous decision is that the appellant's appeal cannot succeed and accordingly, the appeal is dismissed, without further Order.

James Leonard

James Leonard, President

Northern Ireland Valuation Tribunal

Date decision recorded in register and issued to parties: 12 November 2025