

**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: NIVT 23/19**

**MR JOHN HIGGINS– APPELLANT**

**AND**

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

**Northern Ireland Valuation Tribunal**

**Chairman: FJ FARRELLY ESQ**

**Members:**

**Brian Reid Esq (Valuation)**

**and**

**Garry McKenna Esq (Lay)**

**Date of hearing:  
28<sup>th</sup> September 2021**

**DECISION**

The unanimous decision of the tribunal is that the Decision of the Commissioner of Valuation for Northern Ireland is upheld and the appellant's appeal is dismissed.

**REASONS**

Introduction

1. This appeal is under Article 54 of the Rates (Northern Ireland) Order 1977 as amended ("the 1977 Order"). It is brought by Mr Higgins against the valuation of his home at 96 Circular Road, Katesbridge, BT32 5LW. He suggests a fair valuation would be £90,000. The valuation certificate is dated 1 October 2019. This was issued following the original appeal.

Valuation history

2. The property was a new build. On 14 February 2013 a completion notice was issued, giving a completion date of 15 May 2013. A certificate issued on 11 June 2013 valued the property at £200,000. Following an appeal, a new certificate was issued on 12 August 2013, reducing the value to £180,000.
3. It subsequently turned out that the completion notice served was invalid and so the property was removed from the valuation list. On 18 June 2014 a fresh completion notice was issued, with a completion date of 16 September 2014. On 4 February 2015 the property was entered into the valuation list with a value of £200,000.
4. On 24 April 2019 the capital value was reduced to £190,000. It was decided the agricultural allowance did not apply. An appeal was made on 11 September 2019. A valuation certificate issued on 1 October 2019 showed no change.
5. On 4 September 2020 the district valuer awarded the agricultural allowance on the £190,000 valuation. This resulted in a liability of £152,000. Then on 4<sup>th</sup> January 2021 the Land and Property Service took the view that an amended unadjusted valuation of £180,000 was fair. This would result in an adjusted valuation of £144,000

#### The appellant's submission

6. He argues the house is situated on a small site. It has a septic tank which is fitted across the road on somebody else's land. He said work began on the house in 2009 and the works are not complete- there is no fitted kitchen or stairs installed. He said other works to the outside and the sitting room have yet to be completed.
7. He also submitted that the valuation exceeded that of the corresponding properties and referred to comparators.
8. He also says it is unfair to base the valuation of properties on how they were at 2005. He states that property since has experienced a significant drop in value.

9. Finally, he states he should be entitled to a 20% reduction as he is a Farmer.

The evidence.

10. A valuation provided by the appellant is from Collins and Collins, estate agents, Newry, dated 20 June 2018. It values the property at £90,000. They state there has been an increase in demand for property in this area but uncertainty over Brexit has restricted growth.

11. They state the property has been constructed on a restricted site. It is a modern construction and extends to approximately 234 sq m. The building work is incomplete in that no kitchen or bathroom had been installed. There has been no agreement about the installation of the septic tank and this in turn will adversely affect the property's valuation.

12. Mr Gerard Fitzpatrick is a building surveyor with experience of domestic valuations. He prepared a report for the respondent. A 10% reduction was made because the property is close to the road and the site is smaller than the comparators which he itemises.

### Consideration.

13. The answer to the points made by the appellant about the internal fit out of the building and the septic tank lies in the legislation, the 1977 Order (as amended by the Rates (Amendment) (Northern Ireland) Order 2006 ("the 2006 Order").

14. The general rule as to the basis of the value to be taken into account is contained in article 7(1) of the 1977 Order (as amended) in that

(a) ... the capital value ... shall be the amount which, on the assumptions mentioned in paragraphs 9 to 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.

(b) In estimating the capital value of a hereditament for the purposes of any revision 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.”

15. The statutory assumptions are reproduced in the respondents bundle in the report from Mr Fitzpatrick. The first significant assumption is that the building is in an average state of internal repair and fit out. (12.(1)). It has not been suggested the property is derelict. It is a hereditament. There is nothing to indicate the incomplete works cannot reasonably be completed or prevent the occupation of the property. Applying this statutory assumption therefore the absence of a fitted kitchen and so forth does not affect the valuation.
16. The other significant assumption is at para 11 and 15, viz, that the property is sold free from any encumbrance and that there has been no relevant contravention of any statutory provision or any requirement obligation arising. Consequently, the issue about the septic tank will not affect the valuation.
17. The other point made by Mr Higgins is that it is unfair to use a valuation from 2005 as property prices he argues have reduced. The point is that the legislation requires valuation at that point in time. This is contained in schedule 12, paragraph 7 which refers to the estimated value if sold on the relevant valuation date, being 1 January 2005. Consequently, the current valuation for another property from Collins and Collins is not the issue. The correct approach is to consider properties in the valuation list using the historical valuation.

18. There is a statutory presumption in Article 54(3) of the 1977 Order that on appeal the valuation in the valuation list is deemed to be correct until the contrary is shown. It is up to the appellant to displace that presumption.
19. We have had regard to the comparators used. All have a valuation considerably higher than the appellant's. Number 121 circular Road is considered by the respondent to be the closest comparator. The appellant's property is a two-storey building like this one. The appellant's building has a gross external area of 242 m<sup>2</sup> whereas the comparator is almost identical at 243 m. It does contain a garage which the appellant does not have. The size of the site is larger, at .17 acre whereas the appellant is .1 acre. A valuation of £240,000 has been placed upon the property. We find this increased valuation reflects adequately the additional features.
20. We have considered the other comparators used and find they are fair and reasonable.
21. Our conclusion therefore is that the appellant has not rebutted the statutory presumption that the figure in the valuation list is correct.

**Chairman: FJ FARRELLY**

**Northern Ireland Valuation Tribunal**

**Date decision recorded in register and issued to the parties: 14 February 2022**