

Appeal No. VA93/2/061

**AN BINSE LUACHÁLA**  
**VALUATION TRIBUNAL**  
**AN tACHT LUACHÁLA, 1988**  
**VALUATION ACT, 1988**

**Frank Towey t/a The Foxhunter Inn**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Licensed Shop at Map Ref: 4Aa, Townland of Ballydowd, E.D. Lucan - Esker, R.D.  
Dublin - Belgard, Co. Dublin  
Quantum

**B E F O R E**

**Paul Butler**

**S.C. (Acting Chairman)**

**Veronica Gates**

**Barrister**

**Paddy Farry**

**Solicitor**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 4TH DAY OF FEBRUARY, 1994**

By Notice of Appeal dated the 25th day of May, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £550.00 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that the valuation is excessive in view of the open market value of property and in comparison with valuations assessed on similar licensed premises by Commissioner of Valuation in recent years.

Mr. Eamonn O'Kennedy B.Comm, M.I.A.V.I. of Messrs. O'Kennedy & Company, Valuation and Rating Consultants provided a written submission on the 3rd December, 1993. In his submission, Mr. O'Kennedy described the premises and said that it is an old licensed premises which has been extended in recent years; that it is in good structural and decorative condition throughout; that it has been well maintained; that there is good natural and artificial lighting throughout; that the premises have benefited from the construction of a housing estate nearby. He went on to say that it is unlikely however that it will ever have the benefit of being located in a densely populated area as there is a large 'green belt' designated area directly opposite the premises. Mr. O'Kennedy expressed the view that the open market rental value of the premises as of 1st August, 1991 is £60,000 and, applying 0.63% he arrived at a rateable valuation of £375.00. Mr. O'Kennedy referred to six comparisons.

Mr. Colman Forkin, a Chartered Valuation Surveyor with 12 years experience in the Valuation Office provided a written submission on the 3rd December, 1993. In his submission, he commented on the grounds of appeal, described the property and the valuation history and set out his method of valuation as follows:-

Total Turnover Y/E December 1991:	=	£980,000
Allow 12% for November 1988:	=	£862,400
T.O. £862,400 @ 40% Gross Profit:	=	£344,960 Gross Profit
£344,960 @ 50% = Nett Profit:	=	£172,480 Nett Profit
£172,480 @ 50% = Net Annual Value:	=	£86,240 N.A.V.
Est. N.A.V. £86,240 X 0.63%:	=	£543.31
Say £550.00		
R.V.:	=	<b>£550.00</b>

Mr. Forkin also referred to three comparative properties.

### **Oral Hearing**

The oral hearing took place in Dublin on the 6th day of December, 1993. Mr. O'Kennedy appeared on behalf of the appellant and Mr. Colman Forkin appeared on behalf of the Respondent.

Both sides referred to their written submissions. Mr. O'Kennedy in opening said that because of the lack of rental evidence in the case of licensed premises it was not possible to value premises on this basis. It emerged that the parties could not come to agreement on any of the figures despite being given an opportunity of so doing. It further emerged that the best

comparable premises was 'The Palmerstown Inn'. Mr. Forkin accepted that this was more or less of the same standard as the subject premises, its only drawback being that it was situated off the Main Road. It appears that the turnover figures in the Palmerstown Inn are roughly the same as that of the subject premises.

It further emerged that the subject premises was valued at £320 in 1988 by agreement between the parties at Tribunal stage. The Tribunal considered that it would be appropriate to adjust this figure having regard to changes in turnover in the interim but neither party was in a position to give the basis for the original valuation of £320.00.

### **Determination**

Because the parties cannot agree on the figures or offer direct evidence in relation thereto, the Tribunal is satisfied that it cannot validly reach a rateable valuation on the basis of the figures suggested by either party. This leaves the Tribunal with the comparative evidence as being all it can go on in this case. The Palmerstown Inn was valued by the Tribunal in 1991 (VA/91/3/029) at £450. On the basis of this alone and in the absence of other evidence the Tribunal determines the Rateable Valuation of the subject premises at £450.00.