

Appeal No. VA88/0/158

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

**Mulkeen Motors Limited**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Garage Premises at Lot 33E, Tobertelly, Co. Sligo

**B E F O R E**

**Paul Butler**

**Barrister (Acting Chairman)**

**Mary Devins**

**Solicitor**

**Brian O'Farrell**

**Valuer**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 20TH DAY OF JANUARY, 1989**

By notice of appeal dated the 19th day of August, 1988, the appellants appealed against the respondent's decision fixing the rateable valuation of the above described hereditament at £90.

The hereditament in question is a garage and filling station located approximately one mile from Tubbercurry on the main Galway to Sligo road. A restaurant on the second floor of the premises has been used only during summer months.

The premises were first valued during 1987 revision at £90 and this valuation was upheld on first appeal.

At the oral hearing, which took place on 11th January, 1989 in Galway, Mr John Mulkeen, proprietor and Mr Patrick J. Nerney, Valuer appeared on behalf of the appellants while Mr John Smiley, Valuer, appeared for the Commissioner of Valuation.

Mr Nerney elaborated on his written submission and pointed out that petrol sales averaged only 1,000 gallons per week, that the restaurant business had proved almost totally unsuccessful and that the rateable valuation of £90 was higher than the combined rateable valuation of the other three garages in the town of Tubbercurry, viz; Tubbercurry Motors, Gerard Burke and Joe Burke.

Mr Mulkeen stated that the property was built in 1984 by direct labour, using mainly second-hand materials at a cost of £74,000. He pointed out that out of this construction cost, £25,000 was in respect of pumps and tanks and £10,000 was in respect of a canopy by way of a loan from B.P. to be repaid over a ten year period. He indicated that his main area of profitability was the garage repair workshop but that the overall business could not be said to be running successfully. Mr Nerney felt that a fair valuation for the premises would be £30. Referring to the initial construction cost of £74,000 and accepting this as a possible market value he asked the Tribunal to accept a figure of 10% of market value as net annual value i.e. £7,400.

Mr Smiley, in his submission referred to an approximate market value of £80,000 for the premises. He did not attempt to assess a net annual value and stressed that he would find it extremely difficult to estimate a NAV for this type of premises.

He referred to Tubbercurry Motors Ltd, Charleston Road, Tubbercurry as a comparable property and noted that the rateable valuation of £49 on the property represented 0.1% of the asking price for this property which is currently on the market.

He indicated to the Tribunal that that there were three permanent employees and that a panel-beater worked there when needed.

The Tribunal notes that the parties disagree as to the market value of the premises. On cross-examination by Mr Smiley, Mr Mulkeen stated that he would expect to get no more than £30,000 for the property if it was put on the market at this time.

However, even accepting Mr Smiley's estimate of market value and a resultant approximate figure for NAV the Tribunal is of the opinion that the rateable valuation of £90 is too high for a property of this type and it has decided that a figure of £50 is the correct rateable valuation.