

Appeal No. VA93/1/004

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

**J P Brady & Son Limited**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Shop , Stores and Yard at Lot No. 10D, Townland of Rahardrum, Virginia Ward, R.D.  
Castlerahan, Co. Cavan  
Quantum

**B E F O R E**  
**Henry Abbott**

**S.C. Chairman**

**Brian O'Farrell**

**Valuer**

**Paddy Farry**

**Solicitor**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 30TH DAY OF SEPTEMBER, 1993**

By Notice of Appeal dated the 11th of February, 1993 the appellant appealed against the determination of the Commissioner of Valuation in fixing a Rateable Valuation of £110 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the valuation is excessive and inequitable and bad in law".

The property and basis of valuation and comparable valuations are set out in the precis of evidence delivered by the parties hereto, as to that of the Respondent received by the Tribunal on the 12th August, 1993 and as to that of the Appellant received on the 13th August, 1993. The precis are set out in full as Appendix 1 & 2.

### **Oral Hearing**

The oral hearing took place in Dublin on the 23rd August, 1993 and Mr. Alan Mc Millan, an Associate of the Society of Chartered Surveyors in the Republic of Ireland and a Director of Donal O'Buachalla & Company Limited appeared for the appellant and Mr. Noel Rooney, a Chartered Surveyor and a District Valuer in the Valuation Office with over 20 years experience appeared for the Respondent.

Mr. Leonard Brady, Managing Director of the Appellant Company also appeared and gave evidence.

At the oral hearing it emerged that the description of both parties of the premises coincided and the Tribunal got a picture of an up-to-date, state of the art hardware premises and store situated in an industrial estate about a half mile from the centre of the small Cavan town of Virginia. Both parties agreed that the premises had not traded successfully and it emerged that there were principally two reasons for this. The first was that the premises was somewhat overshadowed in trade terms by G & L Hardware in Bailieborough a few short miles away and by the pulling power of Cavan town taking retail business away from the lesser towns in Cavan such as Virginia. The second reason for the poorish trading performance of the premises was the fact that Cavan County Council did not facilitate the installation of an imposing entrance off the main road for the industrial estate such as would entice casual customers in to view and possibly purchase items for sale therein. Added to these local factors was the fact that recessionary times in terms of consumer demand for the hardware/building trade and high interest rates have made it difficult for a new business trying to set down roots in Virginia. Mr. Brady stated that he had been successful in his business near Cootehill but decided that he must move to a more central location and modernise or loose his position and decided to achieve this by the move to Virginia and the disposal of his premises in Cootehill. He stated that he had penal borrowings on the business at the moment which made it difficult to survive.

From the outset the parties clarified that G & L Hardware, Cavan town, a comparison used by the Appellant had not been revised in 1991 but rather in 1973 and the schedule of comparisons in the Appellant's summary of comparisons and comparison number four ought to be amended accordingly.

Mr. Rooney argued against Mr. Mc Millan's devaluation of the ground floor as set out in the second last vertical column of his summary and schedule of comparisons. Examples of Mr. Rooney's approach are that he took the shop part of G & L Hardware, Bailieborough as devaluing at £2.97 with the store at the back at £2.06. He took the Cole's Co-op as devaluing at £2.64 in relation to the new building and similarly had a value of £2.22 on the more valuable part of the Interparts building. He argued that the higher figures ought to be compared with the higher figures which he used in valuing the subject shop premises.

### **Findings**

The Tribunal finds that the approach of both valuers from the outset indicated that in relative terms the location of the subject premises was not as good as many of the comparisons offered by both parties. Nevertheless, the Tribunal, considers that this relativity ought not to be addressed by a reduction in the valuation of the subject on appeal but rather by an investigation as to whether the base from which these properties are to be valued is the correct one. While this Tribunal should not act as to pre-empt judgment in any appeal which might come to it, it considers that this is an appropriate case where revisions ought to be carried out to establish benchmark measures for valuations commencing with the most buoyant locations. The Tribunal notes that in respect of some of the comparisons there has not been a recent valuation where buoyancy greater than that experienced in Virginia might be expected. In relation to all of these properties concerned with a retail use, physical comparisons alone are not sufficient to establish the valuation, as location must be considered as a very important element. The fact that the subject premises is new and could be devoted to other uses confirms however, in relation to the scale of retail premises valuations from town to town in Cavan, this premises although remaining at the present valuation ought through progressive revision of other premises, be close to the bottom of the range unless significant commercial improvements occur in the Virginia scene.

Accordingly, having regard to the foregoing, the Tribunal, fixes a rateable valuation on the premises of £110.