

Appeal No. VA94/3/018

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

Patrick McGinley

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Apartment and shop at Map Ref: 59/35a, 37, 39a/2, Townland: Ballyconnell, Village of Falcarragh, E.D. Crossroads, R.D. Dunfanaghy, Co. Donegal
Quantum - Comparisons

B E F O R E

Veronica Gates

Barrister (Acting Chairman)

Patrick Riney

F.R.I.C.S. M.I.A.V.I.

Fred Devlin

F.R.I.C.S. A.C.I. Arb.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 4TH DAY OF APRIL, 1995

By Notice of Appeal dated the 25th day of October 1994 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £50 on the above described hereditament.

The grounds of appeal were set out in an accompanying note attached to the Notice of Appeal and are inter alia:

- 1) The valuation is excessive and inequitable
- 2) The valuation is bad in law.

The Property:

The property comprises a vacant shop premises in the village of Falcarragh with an unfinished domestic apartment overhead. The accommodation is formerly part of a larger shop premises which was used in connection with the grocery and hardware business.

The property has a street frontage of 44 feet 2 inches. The shop with ancillary office and cold room comprises 2,597 square feet. At revision the first floor apartment was unfinished.

Valuation History:

Prior to the current appeal the property was last revised and subsequently appealed in 1984. At that stage it formed part of a larger property which had a rateable valuation of £120.

Note: R.V. £120 included Lot 35a, 37, 39a/1 Ballyconnell which is the subject of VA94/3/017.

In 1992 the hereditament was again the subject of an annual revision. The revision request was "store demolished now a carpark, two shop units to be valued separately." In November 1992 the valuation lists were issued and the rateable valuation was fixed at £50. No change was made by the Commissioner of Valuation at first appeal. It is against this determination of the Commissioner of Valuation that an appeal lies to the Valuation Tribunal.

Written Submissions:

A written submission was received on the 23rd of March 1995 from Mr. Patrick McCarroll, Chartered Surveyor, Auctioneer and Rating Consultant on behalf of the appellant.

In the written submission, Mr. McCarroll described the property, its location, accommodation, services and condition. He said that the property was on the books of every Auctioneer in the county.

Combined with the floor area of the adjoining supermarket there was a serious overhang of retail floor area in Falcarragh, he said. He said that Letterkenny, 22 miles from Falcarragh has been one of the fastest growing towns in the country. He said that it had become a

pivotal retail area and had an adverse effects on the retail activity on towns and villages such as Falcarragh. Mr. McCarroll said that in the village of Falcarragh, two supermarkets are more than sufficient to cater for the village and its catchment area. He said that the first floor with its separate entrance off the street is unfinished and the fact that it is unfinished reflects the poor demand for residential accommodation in this village.

Mr. McCarroll set out his valuation on the subject premises as follows:

Valuation:

Ground Floor	2,428 square feet	@	£2.00 per square foot	£4,856
Coldroom/store	169 square feet	@	£1.50 per square foot	£ 253
Office	87 square feet	@	£1.50 per square foot	£ 130
First Floor	say £20.00 per week			<u>£1,040</u>
				£6,279

£6,270 @ 0.5% = £31.40
 Say = £31.00

He gave details of three comparisons which are listed below:

1 Charles Kelly Limited, 76 Castle Street, Ramelton 1993 Revision

6,100 square feet	@	£0.50 per square foot =	£3,050
1,100 square feet	@	£0.30 per square foot =	<u>£ 330</u>
			£3,380

£3,380 @ 0.5% = £17.00

2 VA92/2/053 Molloy Brothers Limited

E.D. Roscommon Urban

Shop	2,271 square feet	@	£3.50 per square foot =	£7,949
Yard				<u>£ 900</u>
				£8,849

£8,849 @ 0.5% = £44.24
 Say = £45.00

3 VA92/3/017 Topline Fashions Limited Buncrana

Ground Floor	2,960 square feet	@	£4.00 per square foot
Basement	3,095 square feet	@	£2.00 per square foot

The oral hearing took place at the Courthouse, Letterkenny on the 4th day of April 1995. Mr. Patrick McCarroll appeared on behalf of the appellant and Mr. Paschal Conboy appeared on behalf of the respondent. Mr. Patrick McGinley was also present to give evidence.

Both parties gave evidence in line with their written submissions. Mr. McCarroll described Falcarragh as a small village with little or no industrial background. The village is primarily dependent on the short tourism season during the summer months. He said that Letterkenny is a fast growing town with three well-established shopping centres. He was of the opinion that the recent peace initiative in the North of Ireland would mean that Derry will be re-established as the pivotal retail area it was in earlier times, although this may take some time.

Mr. McCarroll said that the subject premises has been on the market for sale or to let for the last 5 years, but that there has been no real interest in the property to date. Mr. McGinley would be willing to accept any reasonable offer on the property.

Mr. Conboy said that the peace initiative has no application to this valuation as the relevant date is 1992. He said that the comparisons which he has put forward are relevant in that they are located in the immediate area and show that the rate per square foot applied to the subject premises is not excessive.

Mr. McGinley gave evidence that in the last number of years over 10 businesses in Falcarragh have failed. He said that potential purchasers have been deterred by the fact that the rates are high. He described Falcarragh as a difficult town in which to succeed in business in contrast to Letterkenny whose retailers benefit from rates and tax incentives.

Determination:

Having regard to all the evidence adduced by the parties and also the comparisons, of which the most compelling is Lot 59/27 Alfie Green's which is situated within a few yards of the subject, the Tribunal is of the opinion that the correct rateable valuation is £43.00.

