

Appeal No. VA94/3/101

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

Pat O'Leary t/a O'Leary's Lissarda

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Garage at Map Ref: 11Ba.11D/1, Townland: Ballymichael, E.D. Warrenscourt, R.D.
Macroon, Co. Cork
Quantum - Location

B E F O R E

Paul Butler

S.C. (Acting Chairman)

Brian O'Farrell

Valuer

Joe Carey

P.C. M.I.A.V.I.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 25TH DAY OF APRIL, 1995

By letter of Appeal dated the 2nd day of November 1994 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £73.00 on the above described hereditament.

In his letter of appeal Mr. O'Leary referred to his appeal against revised valuation of £110.00 lodged with the Valuation Office on the 6th day of December 1993, following which an official from the Valuation Office visited the premises in August/September 1994 and agreed to revise the original valuation downward to £95.00. Mr. O'Leary felt that this new figure was excessive relative to his rural location. Mr. O'Leary also stated in his letter of appeal that the property is now subdivided between shop, garage and dwelling house and it is against the rateable valuation of £73.00 on the garage that this appeal lies to the Tribunal.

The Property:

The property is located on the main Cork/Killarney road, twenty miles west of Cork city and six miles east of Macroom. The garage is in a rural location on the southern side of Cork/Killarney road. It comprises a garage, workshop, sales display yards and petrol sales area at Lissarda with a frontage to the Cork/Killarney road. The property is also used for the display sale and repair of tractors and farm machinery. Buildings are functional being primarily of corrugated iron construction.

The accommodation comprises:

Garage	1,676 square feet
Offices (portacabins)	400 square feet
Parts stores	197 square feet
Poor stores	596 square feet
Workshops	3,074 square feet
W.C.'s	266 square feet
Car sales yard	10,764 square feet
Tractor & machinery compound	16,670 square feet

In addition petrol sales average 2,500 gallons per week.

Valuation History:

Following on the 1993/4 revision of valuations, the valuation was fixed at £110.00. This valuation was in respect of a house, shop and garage. The appellant lodged a First Appeal against this.

As it transpired, the house and shop were both separately occupied. It was necessary, in accordance with standard valuation practice, to value the house, shop and garage separately.

The valuation of £110.00 was amended to:

Garage	£73.00 R.V.
Shop	£ 6.00 R.V.
House	<u>£16.00</u> R.V.
Total Valuation	£95.00

There was a reduction from £110.00 to £95.00 at First Appeal.

Written Submissions:

A written submission was received from Mr. Patrick O'Leary on the 19th day of April 1995. In his written submission Mr. O'Leary gave details of some of the disadvantages of the location of his premises, and he also gave a detailed analysis of the layout of the garage. He also commented on the absence of services in the area and he emphasised the fact that a prospective tenant giving serious consideration to renting could not ignore the drawbacks which he referred to in his submission. He suggested that a rateable valuation of £52.73 would be appropriate as a rateable valuation on the property based on a rent per annum of £10,546 against Mr. Cahill's R.V. of £73 based on a rent per annum of £14,598.

A written submission was also received on the 19th day of April 1995 from Mr. Liam Cahill, an Appeal Valuer with the Valuation Office, acting on behalf of the Commissioner of Valuation. In his submission, Mr. Cahill described the location and the property as detailed above and he also set out the valuation history referred to in this judgment. Mr. Cahill set out the breakdown of the rateable valuation of £73.00 in his submission and this is reproduced hereunder:

Nett Annual Value and Rateable Value

Having regard to the rural location, the quality of the buildings and the level of valuation on comparable properties, I estimate the nett annual value and rateable value as follows:-

Nett Annual Value: £14,600
 Fraction: 1/200
 Rateable Value: £73.00

The Nett Annual Value devalues:

	Square foot	£ per square foot	£
Garage	1,676	£2.00	3,352
Offices	400	£3.00	1,200
Parts store	197	£2.00	394
Poor stores	596	-	-
Workshops	3,074	£1.25	3,842
Car sales yard	10,764	£0.10	1,076
Tractor/Mach. compound	16,670	£0.05	833
Petrol Sales	130,000 gal's @ 3p/gallon		<u>3,900</u>
			<u>14,597</u>
		Say	£14,600

By way of comparative evidence Mr. Cahill referred to four garages within County Cork i.e.

- 1 Bandon Motors Limited in Bandon - R.V. £160 1989 First Appeal**
- 2 Finbar Galvin Limited in Bandon - R.V. £130 VA92/6/018**
- 3 Macroom Motor Services Limited in Macroom - R.V. £65 1985 First Appeal**
- 4 Denis G. Downey in Gowlane, Co. Cork - R.V. £55 1994.**

Details of these comparisons are attached to this judgment as Appendix A.

Mr. Cahill submitted that the nett annual value and rateable value fixed at 1993/4 First Appeal had regard to:

- 1** rural location
- 2** quality of buildings
- 3** existence of a right of way west of the garage.

He also submitted that the rateable value on the subject property is in line with the level of valuations on comparable properties and that it has had regard to the requirements of the 1986 Valuation Act.

Oral Hearing:

The oral hearing took place in Cork on the 25th April 1995. The appellant appeared in person and the respondent was represented by Mr. Cahill. Mr. O'Leary referred in detail to his said written submission and he presented a list of three comparisons (the first of which was used in the respondent's submission) which comparisons are annexed to this judgment as Appendix A.

It quickly emerged that the principal difference between the parties was on the question of location. Mr. O'Leary submitted that the first three comparisons offered by the Commissioner were in urban locations, whereas his premises are five miles outside the town of Macroom. Mr. Cahill submitted that his fourth comparison, namely the premises of Denis G. Downey was in a far inferior location to that of the subject premises in that it was not on a main road, whereas the subject premises was on the main Cork to Macroom road.

Mr. O'Leary submitted that his premises were disadvantaged in two respects; firstly, the yard was stepped at an angle down towards the road and, secondly, that there was a right of way which restricted his use of access to one of the workshops.

Determination:

The Tribunal has considered the written submissions and comparisons and it is satisfied that both parties have made reasonable efforts to come to a fair nett annual value. It is, however, the function of the Tribunal to superimpose its own determination of nett annual value rather than to find that one or other party is correct.

The Tribunal is satisfied that, although located some 5 miles from the town of Macroom, the subject premises is in an excellent location in that it is situate on a busy main thoroughfare.

Nett annual value is determined at £13,500, yielding a rateable valuation of £67.50 say £67.00.