

Appeal No. VA95/1/096

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

**Paul Younger & Peter Geoghegan t/a Coopers**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Licensed house, offices and yard at Map Ref: 5Ba, Townland: Assaly Little, ED: Killinick,  
RD: Wexford, Co. Wexford  
Quantum - Relevant comparisons

**B E F O R E**

**Paul Butler**

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

**Mary Devins**

**Solicitor**

**Brian O'Farrell**

**Valuer**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 27TH DAY OF SEPTEMBER, 1995**

By Notice of Appeal dated the 26th day of April 1995 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £135 in the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that:-

- "(1) the valuation is excessive in comparison to similar properties
- (2) the RV is excessive having regard to the NAV as at November 1988
- (3) the business due to location is heavily dependent on tourism and therefore has a limited season."

**The Property:**

The property is an old style licensed premises in the village of Killinick, known as "Ye Old Coopers Inn". The ground floor comprises a lounge, bar, restaurant, kitchen, stores and toilets. The first floor has five bedrooms and two bathrooms and trades as a Bed & Breakfast all year round. The property has street frontage onto the village plus another frontage onto a large car park which has an entrance onto the Dublin/Rosslare Wexford Road.

**Valuation History:**

The original valuation of £12.50 dates back to the primary valuation until the rateable valuation was revised in the 1994/3 Revision and the valuation fixed at rateable valuation £135. This revision arose as a result of a request by the County Council following extensions and improvements to the property.

**Written Submissions:**

A written submission was received on the 18th day of September 1995 from Mr. Nicholas McAuliffe of Kenneally McAuliffe, Surveyors, Rating Consultants, Valuers and Estate Agents on behalf of the appellant.

In his written submission, Mr. McAuliffe described the property and its valuation history and accommodation. He said that in determining the net annual value of the subject property regard had to be had to the following factors:-

**(1) The Physical Layout of the Property.**

The property was originally a typical two storey residential licensed premises from the turn of the century. The layout did not lend itself very easily without considerable expense to cater for large numbers.

**(2) The Turnover.**

The premises has a restaurant and a bar licence, but due to its location is wholly dependent on passing trade. The trade is subject to seasonality associated with the harbour and specifically the busy tourist period of May to September.

**(3) The New Road.**

Although the new road has improved access to and from Rosslare Harbour, it has also encouraged vehicle users to travel further distances between the points of departure and arrival without stoppages for food, drink or rest.

**(4) The Tone of the List.**

'The Tone of the List' has not be maintained in this instance, he said.

Mr. McAuliffe set out his calculation of rateable valuation on the capital value basis and turnover basis as set out below:-

**(1) Capital Value Basis**

Net Book Value 31st October 1994	£255,000
NAV @ 7%	£ 17,850
NAV 1988 (reduced by 15%)	£ 15,172
RV @ 0.5%	£ 75.86
Say	£ 75.00

**(2) Turnover Basis**

Year ended 31st October 1994 (13 month trading period net of VAT)	£299,709
Turnover for standard 12 month period	£276,654
Net profit @ 18%	£ 49,797.80
NAV @ 50%	£ 24,898.90
NAV @ 1988 (reduced by 15%)	£ 21,164.06
RV @ 0.5%	£ 105.82
Say	£ 105.00

Mr. McAuliffe offered three comparisons in the Wexford area:-

**(1) Cullens Public House, Kilrane, Co. Wexford**

Rateable valuation: £95      1990 Revision

**(2) Cushens Public House, Tagoat, Rosslare, Co. Wexford**

Rateable valuation: £66      1992 Revision

**(3) Larkins Public House, Kilmacree, Co. Wexford**

Rateable valuation: £55      1988 Revision

A written submission was received on the 21st day of September 1995 from Mr. Philip Colgan, District Valuer with 27 years experience in the Valuation Office.

Mr. Colgan gave details of the property, its valuation history and accommodation as set out above. He set out his calculation of the rateable valuation on the subject premises on the basis of licensed turnover and market value as follows:-

**(1) Licensed Turnover.**

As at December 1994 = £300,000 x say 9% return gives an NAV - £27,000.

Adjust to 1988 levels say less 15% gives an NAV - £23,000 x 5% = RV £115.00

Domestic Rent say £300pm or NAV = £3,600 x 0.5% = RV £18.00

Total RV = £135.00 (which of this domestic is £18.00).

**(2) Estimated Market Value.**

Say £270,000 x 10yp = NAV £27,000 x 0.5% = RV £135.00

This to include the 1st floor Bed & Breakfast valued as above at RV £18.00.

Mr. Colgan gave details of four comparisons which are summarised below:-

**(1) The Oak Tavern, Newtown, ED: Carrick**

1994/3 First Appeal

Licensed house and restaurant on the main Enniscorthy/Rosslare Road.

Rateable valuation £150.00.

**(2) Fisherback Limited (Patrick Ryan), Walsheslough, Rosslare**

1994/3 First Appeal

Rateable valuation £135.00.

**(3) Bernard Cushen, 2D 6b Grahormack**

1992/1 Revision

Rateable valuation £66.00.

**(4) Ferrybank Inn, village of Kilrane**

1989 First Appeal

Rateable £95.00.

Licensed shop to include shop and petrol pumps.

**Oral Hearing:**

The oral hearing took place in Wexford on the 26th day of September 1995. Mr. McAuliffe appeared on behalf of the appellant and Mr. Colgan appeared on behalf of the respondent.

Mr. McAuliffe referred to his written submission which had been read by the Tribunal. He said that the village where the subject premises is situated has been by-passed and the premises has been reoriented in that what was the back of the premises with a yard is now the front leading onto but well set back from the main road. He said that the subject premises has to compete with the roadside pubs and he referred in particular to his comparison number one, namely **Cullens Public House** on the main road at Kilrane. That premises was further revised he said in 1990 at a rateable valuation of £95. He thought it somewhat larger than the subject premises. The said premises is referred to as "**The Ferrybank Inn**" in Mr. Colgan's submission.

Mr. Colgan referred to his written submission and, although used as his last comparison, he said that Cullens Public House (otherwise "The Ferrybank Inn") was revised at least five years ago and was purchased some six years ago. He laid emphasis on his first comparison, namely "**The Oak Tavern**" which had a capital value of approximately the same as the subject premises and a rateable valuation of £150.

**Determination:**

The Tribunal is satisfied that both parties have come to reasonable valuations in this case. It is further satisfied that the best comparative evidence available is Cullens Public House (otherwise "The Ferrybank Inn"). However, in using this comparison the Tribunal must have regard to the fact that the revision is about five years old and regard must be had to the apparent very high valuation on The Oak Tavern which is in a different location but has approximately the same capital value.

Having regard to all of the foregoing the Tribunal determines rateable valuation of the subject premises at £120.