

Appeal No. VA99/4/003

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

**Late Denis Hellard**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Licensed house, Restaurant/Cafe at Map Reference 3 Main Street, Ballybunion,  
Killehenry, Listowel, Co. Kerry  
Quantum - Seasonal business

**B E F O R E**

**Fred Devlin - FRICS.ACI Arb.**

**Deputy Chairman**

**Michael Coghlan - Solicitor**

**Member**

**John Kerr - MIAVI**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 15TH DAY OF FEBRUARY, 2001**

By Notice of Appeal dated the 4th day of October 1999, the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £55 on the above described hereditament.

The Grounds of Appeal as set out in the said Notice of Appeal are *inter alia* that;

The rate demand note covers two premises, i.e. (1) Pub - business carried on by Chris Hellard and (2) restaurant - business carried on by Donal O'Riordan.

Ballybunion is a seaside resort area. The Government has given special tax status to Ballybunion to try and revitalise the area. Genuinely, most pubs/restaurants close down from October to May.

The appeal proceeded by way of an oral hearing which took place in the Council Chamber, Tralee UDC, Town Hall, Princes Quay, Tralee on the 19<sup>th</sup> day of April 2000. Mr. Michael Fitzpatrick of Pierse & Fitzgibbon Solicitors appeared on behalf of the appellant and Mr. Donal O’Riordan gave evidence on his own behalf. Mr. David Molony, a Valuer with 18 years experience in the Valuation Office appeared on behalf of the Respondent. In accordance with the Rules of the Tribunal, the valuers had prior to the commencement of the hearing exchanged their précis of evidence and submitted the same to this Tribunal. Both parties having taken the oath, adopted their précis as being their evidence in chief. Submissions were also made. From the evidence so tendered the following emerged as being the facts relevant and material to and for the purposes of the appeal.

### **The Property**

The property is located on the Northern side of Main Street, Ballybunion.

The property comprises a mid-terraced two storey structure constructed of concrete and stone with pitched slate roof.

The property is in two separate uses *vis-a-vis* licensed premises t/a “Exchange Inn” and restaurant t/a “Strand Restaurant”. Both are separately managed and are intercommunicating.

Bar	56.2 sq.m.	(605 sq.ft.)
Restaurant	94.0 sq.m.	(1,011 sq.ft.)
Kitchen & Stores	44.7 sq.m.	(481 sq.ft.)

The property is in good condition having been well maintained over the years. The restaurant has been extended in recent years.

### **Appellant's Valuation**

Appellant estimated R.V. at £20. His comparisons are set out at Appendix I to this judgment.

### **Respondent's Valuation**

The respondent's comparisons are set out at Appendix II to this judgment.

#### ***Valuation***

Bar/Lounge	369 sq.ft. @ £7.50 p.s.f.	=	£2,767
Bar/Lounge	236 sq.ft. @ £3.75 p.s.f.	=	£ 885
Restaurant	298 sq.ft. @ £7.50 p.s.f.	=	£2,235
Restaurant	266 sq.ft. @ £3.75 p.s.f.	=	£ 997
Restaurant	447 sq.ft. @ £2.50 p.s.f.	=	£1,117
Kitchen & Stores	481 sq.ft. @ £2.00 p.s.f.	=	£ 962
Add for licence		=	£1,200
Domestic	@ £30.00 per week	=	<u>£1,560</u>
Total		=	<u>£11,723</u>
Estimated N.A.V.	£11,723 @ 0.5%	=	£58.61
	Say	=	£55.00

### **Findings of the Tribunal**

The premises are located on the Main Street and whilst they trade as two separate business as is they are in fact one unit of occupation and hence they fall to be so valued. It is accepted that Ballybunion enjoys a short seasonal trade and that the principal centre of activity is the famous golf course and the club, which probably benefits most from the high level of activity in the area, as do the establishments in the town who offer accommodation. As far as the licensed premises are concerned it would appear from the accounts that this section of the premises operates at best at a break even situation and the restaurant trades at a loss despite the best efforts of Mr. O'Riordan. Mr. Molony in his evidence agreed with the Tribunal that there were no

comparisons or there were no premises in the area which met the three criteria which he had described as being premises that are comparable, of similar function and recently revised and that accordingly therefore he based his primary evidence on the assessments of other commercial premises in the vicinity and made an allowance to reflect the added value of the licence. The Tribunal recognises his difficulty in this regard and in principle accepts his valuation as being not inappropriate under the circumstances particularly since no other valuation evidence was adduced. However, having regard to the size of the subject premises the Tribunal is of the view that insufficient allowance was made by Mr. Molony for this fact and accordingly has decided that the N.A.V. should be based on a zone A rate of £6.00 with the remainder of the premises to be valued by reference to the Zone A rate. The initial value of £30 per week attributed to the domestic element was not contested and is accepted as being fair and reasonable. Mr. Moloney's allowance of £1,200 for the licence is also accepted, thus giving a net annual value as set out below:

***Valuation***

Bar/Lounge	369 sq.ft. @ £6.00 p.s.f.	=	£2,214
Bar/Lounge	236 sq.ft. @ £3.00 p.s.f.	=	£ 708
Restaurant	298 sq.ft. @ £6.00 p.s.f.	=	£1,788
Restaurant	266 sq.ft. @ £3.00 p.s.f.	=	£ 798
Restaurant	447 sq.ft. @ £1.50 p.s.f.	=	£ 671
Kitchen & Stores	481 sq.ft. @ £1.00 p.s.f.	=	£ 481
Add for licence		=	£1,200
Domestic	@ £30.00 per week	=	<u>£1,560</u>
	Net Annual Value	=	<u>£9,420</u>
	Say	=	£9,000
	Rateable Valuation @ 0.5%	=	£45.00

**The Tribunal therefore determines the Rateable Valuation to be £45.**

