

Appeal No: VA19/5/1739

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2020
VALUATION ACTS, 2001 - 2020**

Laytown & Bettystown Golf Club

APPELLANT

and

Commissioner of Valuation

RESPONDENT

In relation to the valuation of
Property No. 1553468, Leisure at Golf Links Road, Laytown-Bettystown- M'ton, Meath
County Meath ("the Property" or "the subject property")

B E F O R E

Hugh Markey - FRICS FSCSI

Deputy Chairperson

Ken Enright - Solicitor

Member

Barra McCabe - BL, MRICS MSCSI

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 21ST DAY OF NOVEMBER, 2024

1. THE APPEAL

1.1 By Notice of Appeal received on the 14th day of October 2019 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value '(the NAV)' of the above relevant Property was fixed in the sum of €60,700.

1.2 The Grounds of Appeal are fully set out in the Notice of Appeal. Briefly stated they are as follows:

- 1. Valuation inequitable as against others.*
- 2. Laytown & Bettystown golf club has general bad presentation and layout as against others.*
- 3. It is an "evolved" building, a mish mash of a previous building.*

4. Large proportion of the building is less usable and many areas of the building need refreshing.

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €52,207.

2. REVALUATION HISTORY

2.1 On the 29th day of March 2019 a copy of a valuation certificate proposed to be issued under section 24(1) of the Valuation Act 2001 (“the Act”) in relation to the Property was sent to the Appellant indicating a valuation of €60,700.

2.2 A Final Valuation Certificate issued on the 10th day of September 2019 stating a valuation of €60,700.

2.3 The date by reference to which the value of the property, the subject of this appeal, was determined is the 15th day of September 2019.

3. THE HEARING

3.1 The Appeal proceeded by way of an oral hearing held remotely on the 14th day of October, 2022. At the hearing, the Appellant was represented by Frank Flynn FRICS FSCSI of Robt. B. Daly & Son Ltd. and the Respondent was represented by Tanya Vasileva of the Valuation Office.

3.2 In accordance with the Rules of the Tribunal, the parties had exchanged their respective reports and précis of evidence prior to the commencement of the hearing and submitted them to the Tribunal. At the oral hearing, each witness, having taken the oath, adopted their précis as their evidence-in-chief, in addition to giving oral evidence.

4. FACTS

4.1 From the evidence adduced by the parties, the Tribunal finds the following facts.

4.2 The Property is a two-storey golf clubhouse serving an 18-hole golf course, located on the east coast, at the edge of Bettystown, Co Meath, about 3 kilometres from Laytown and about 8 kilometres from Drogheda, County Louth.

4.3 The facilities at the Property comprise a clubhouse, including locker rooms, pro-shop, kitchen, dining room, bar, stores, a snooker room, and meeting rooms including an old badminton hall. The rateable area (which excludes certain members areas) was agreed between the parties at 1,214.13 m².

4.4 The Property was redeveloped in 1996/1997.

5. RELEVANT STATUTORY PROVISIONS:

5.1 The net annual value of the Property has to be determined in accordance with the provisions of section 48 (1) of the Act which provides as follows:

“The value of a relevant property shall be determined under this Act by estimating the net annual value of the property and the amount so estimated to be the net annual value of the property shall, accordingly, be its value.”

5.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015 provides for the factors to be considered in calculating the net annual value:

“Subject to Section 50, for the purposes of this Act, “net annual value” means, in relation to a property, the rent for which, one year with another, the property might, in its actual state, be reasonably be expected to let from year to year, on the assumption that the probable annual cost of repairs, insurance and other expenses (if any) that would be necessary to maintain the property in that state, and all rates and other taxes in respect of the property, are borne by the tenant.”

5.3 Section 19(5) of the Act inserted by Section 7 of the Valuation (Amendment) Act 2015 requires the valuation list to be drawn up and compiled by reference to relevant market data and other relevant data available on or before the date of issue of the valuation certificates and to achieve both (insofar as is reasonably practicable) correctness of value, and equity and uniformity of value between properties on the list and so that the value of each property on the list is relative to the value of other properties comparable to that property on the list or, if no such comparable properties exist, is relative to the value of other properties on the list in that rating authority area.

6. APPELLANT'S CASE

6.1 Mr. Flynn offered three main reasons for his view that the Commissioner's valuation was incorrect. Firstly, he argued that the Commissioner's valuation scheme was inappropriate, whereby he placed every golf club in either an "urban" or "rural" category and distinguished between them on that basis. Secondly, he said that the Commissioner had taken insufficient account of the age and condition of the Property relative to other similar properties in County Meath. Thirdly, Mr. Flynn argued that the Commissioner should have paid more attention to the level of business conducted at the Property which, he argued, was weaker than that of other golf club properties on the same valuation list. Mr Flynn was keen to emphasise that the club was very sociable and friendly and was noted to have produced many talented young golfers but, when viewed as an asset, it was very much the poor relation of its counterparts in the northeast region.

6.2 Mr. Flynn noted that the Commissioner's scheme distinguished between urban and rural golf clubs and characterised this as a rather crude formula which, he said, valued all golf clubs in the urban category at €50/m² and all in the rural category at €45/m² with nothing in between or outside of these parameters. Mr Flynn contended that the scheme was fundamentally flawed in that the urban/rural distinction was inapplicable to golf clubs which were, as he called them, "destination venues". He questioned the rationale where a golf club property was placed in a higher valuation bracket for the sole reason that it was located near a town.

6.3 Mr. Flynn stated in his précis that 85% of the club membership was local, "from nearby villages and some of the Drogheda surrounds". He said that about 10% of the members travel from Dublin. Under cross-examination from Ms. Vasileva, he acknowledged that location affects membership but did not agree with her that a golf club located close to "a neighbourhood" was more valuable than a rural golf club. He referred in this regard to Killeen Castle Golf Club which he said was located in the midst of County Meath with no housing near it and with a mile long avenue up to it. Notwithstanding this, he said, it had massive green fee income. He stated that County Louth Golf Club gets a great many tourists from the United States in contrast to the subject which did not attract this type of clientele because it was not, he argued, in the same category of destination. He acknowledged that location might contribute something small, but it was nothing compared to the "ambience of the whole asset."

6.4 Mr. Flynn further argued that, even if one were to accept and apply the scheme on its own terms, there was no basis for including the subject property in the urban category. He said that the Property should be regarded as being in a rural location. The surrounding population was limited, he said, not least by the fact that to the entire eastern side of the property was the Irish Sea. The Property was situated at eastern the edge of Bettystown, which he described as a village rather than a town. Mr Flynn contrasted the so-called “urban” location of the Property with other clubs such as The Castle and Milltown in Dublin which were located “right in the city”. He said that Drogheda was the only town in the area, located 6 miles away.

6.5 Having set out in his précis the extent of the accommodation at the clubhouse such as gents’ and ladies’ locker rooms, pro-shop, kitchen, bar, snooker room, an old badminton hall now used as a meeting room, offices, a bar, a dining-room, stores and so on, which accommodation, he said, was comparable to that of other golf clubhouses, Mr. Flynn outlined the various problems associated with the building.

6.6 He described the clubhouse as a hotchpotch of various buildings which evolved in a rather haphazard way over the years on the original U-shaped footprint of the 1964 structure, the “U” having been “filled in” by a further development in 1970. A revamp took place, he said, in about 1997 which included a new first floor area comprising 340m² but otherwise the structure and internal walls were retained, with certain areas re-fitted and re-purposed. Mr Flynn gave examples of this such as the old bar that was converted to the current men’s locker room, the previous men’s locker room that became the ladies’ locker room, and the former ladies’ locker room that had been converted to a storeroom, and so on.

6.7 Mr Flynn said large portions of the property were unusable but that these areas, including parts at the rear, disused locker rooms, hallways and stores take up a lot of space. A lift had to be installed in recent years, further damaging the presentation of both the floors and reducing the usable space. The facade, he said, was unattractive, with numerous disparaging names attached to it. There was an old caretaker’s flat which was converted to a “bridge room” but later abandoned because it was dangerous. He described the old badminton hall, comprising 286 m² (or 23.5% of the total area of 1,214m²) as a third-rate space, flat-roofed, without cavity insulation, windowless, with poor ambience and access. It was let out for small meetings procuring €50 per week for about 10 weeks of the year and used by the club about 4 times a year. The dining room, owing to the fact that it was located on a different floor to the kitchen

and away from the main footfall meant it was hard to attract customers to rent this facility and there were numerous difficulties in acquiring a bar and catering franchise. The pro shop had been moved to the former dining room on the ground floor, leaving the previous pro shop idle. Mr Flynn argued that, overall, the property with its “weird layout” had “no flow”. He said the club was considering demolition and re-building and had consulted architects in this regard.

6.8 He contrasted the condition of the Property with other golf clubhouses in the area, many of which he said had been completely re-built in the Celtic Tiger years. Mr Flynn offered the following comparisons in County Meath.

6.9 Royal Tara Golf Club (property number 1553956), valued at €45/m², which property he said, was “recently purpose built, new from the ground up” and “more modern” than the subject property “brighter, fresher, [in] better condition, more usable” with “better flow [and] less waste.” He noted that the Royal Tara clubhouse served a 27-hole course, as against the 18 holes at the subject. Mr. Flynn referred to the Valuation Report attached to his précis which showed the total area of Royal Tara at 329 m², with an NAV of €14,800.

6.10 Headfort Golf Club (property number 1553045) (called “Headfort” by the parties and recorded under that name in the valuation list), valued at €45/m², which property he said, was also recently purpose built, more modern, brighter, fresher and in better condition than the subject property. This clubhouse, moreover, had the advantage of serving two courses, 36 holes. Mr. Flynn referred to the Valuation Report attached to his précis which showed the total area of this clubhouse at 574.06m², with an NAV of €25,800.

6.11 County Meath Golf Club (property number 1554286) (which Mr. Flynn called “Trim Golf Club”), most of which was valued at €45/m² and was again, according to Mr. Flynn, more modern, brighter, fresher, and so on, with better flow and less wasted space. Mr. Flynn referred to the Valuation Report attached to his précis which showed the total area of this clubhouse at 1,314.24 m². An area of 152.07 m² was valued at €15/m² and an area of 1,162.17 m² was valued at €45/m², making a total NAV of €54,500.

6.12 Mr Flynn also referred to Co Louth Golf Club, obviously located outside the Meath local authority area and not on the relevant valuation list, but which had, he said, a similar village setting. The course served by this clubhouse was, he said, ranked 6th in Ireland, as opposed to

Laytown & Bettystown, ranked approximately 94th. Notwithstanding this and Louth's more modern, higher quality and more usable condition, Louth was, he noted, rated lower than the subject, at €45/m².

6.13 Mr Flynn attached to his précis a number of other valuation reports taken from the valuation lists of various local authorities but which he did not expand upon or refer to in his oral evidence and which were not of particular assistance to the Tribunal.

6.14 Mr. Flynn was not clear in his direct evidence or under cross-examination as to the dates of the "recent" developments that had taken place on his comparison properties, other than to say that they had taken place in the Celtic Tiger years, "two, three or four years" after the work on the subject property. When further questioned by Ms. Vasileva about his three Meath comparisons, Mr. Flynn said that "to the best of his ability" he recalled "they were all built around 1999 to 2000". He said that these clubs, having learned from the mistakes made at the subject, demolished their previous structures and re-built from the ground up. In response to questions from the Tribunal, specifically relating to Royal Tara, he said it was demolished and rebuilt, "purpose-built", in 2000 or 2001.

6.15 The third leg of Mr. Flynn's case related to the business conducted at the subject, the weakness of which he said should put the Property in the lowest category of NAVs on the list.

6.16 He said the subject property, the clubhouse, should not be viewed in isolation from the course which surrounds it and the fact that Royal Tara had 27 holes and Headfort, 36 holes, meant that they were more attractive to players and, as a consequence, did better business than the subject. He also said the course at the subject was "very tight and hemmed-in" and, at 6,300 yards, was much shorter than the norm, which he put at 6,850 yards.

6.17 Mr Flynn also noted that Headfort, with two courses available to it, had hosted the Irish Amateur Close Championship. He said that the subject property, in contrast, did not have the infrastructure or clubhouse facilities to host events such as this.

6.18 Referring to the Respondent's use of Killeen Castle Golf Club as a comparison in its précis, Mr Flynn said that Killeen was a "world class course" which had hosted the Solheim

Cup. The subject property, he said, was something of a poor relation in comparison. Killeen Castle was valued at €55/m².

6.19 Mr. Flynn said that the turnover and green fee income of the subject was “notoriously low”, and this would adversely affect the letting value and should accordingly be reflected in the NAV. He provided income figures for the Property in his précis as follows (acknowledging that 2020 and 2021 were affected by Covid):

2019: €97,000

2020: €35,000

2021: €45,000

2022: €97,000

In contrast, he said Louth Golf Club had green fee income of €780,000 in 2019 and Seapoint (also in Co. Louth) took in €250,000 in 2019.

6.20 Mr. Flynn in his précis said that the club had 800 ordinary members. He said the entrance fee in 2019 was €2,000, the yearly subscription was €875, and the green fee rate was on average €58 per round. He gave the corresponding entrance fee, subscription and green fee rates for County Louth Golf Club at €10,000, €1,300 and €185, respectively. He said that the green fee rate was helpful in assessing the letting value of the entire product, the clubhouse and the course. He said that bar income in all golf clubhouses was very weak and not worth considering.

6.21 Mr. Flynn noted that Ms. Vasileva had referred in her précis to an annual rent of €64,500 contained in the “sporting lease” details of which were submitted to the Valuation Office by representatives of the Appellant under Section 46 of the Act. He said that this was not an open market lease. It referred, he said, to the overall property and did not involve the clubhouse which was built by the Appellant.

6.22 Mr. Flynn said that in the light of his evidence that the subject should be at the lowest value of golf club property and should be less €45/m². He proposed a value of €43/m².

7 RESPONDENT’S CASE

7.1 Ms. Vasileva, in her direct evidence, took the Tribunal through her précis. The subject property, she said, was located on Golf Links Road in Bettystown, County Meath, 3 km north from Laytown, 8 km east of Drogheda town and 11 km east from the M1. There was, she said, a residential neighbourhood across from the golf club.

7.2 The Property comprised, she said, two-storeys and was in good condition. On the ground floor were offices, two shops (one vacant on the inspection date), changing rooms with toilets, members/event/hall area and a kitchen with a store. The first floor contained, she said, a bar, store, and toilets.

7.3 She said the total floor areas were agreed at 1,214.13m². She went through the plans and photographs in her précis and, referring to Schedule 4 of the Act, she gave the rateable area, all under the heading “clubhouse”, as follows:

Ground floor - shop (previously used as a restaurant), kitchen (including store and cold room), a vacant room (previously used as a shop) and a hall area, which according to the plan contained in her précis, comprised 75 m², available for bookings/rent.

First Floor - bar, store, toilets.

Referring to Schedule 4, paragraphs 4A and 4B of the Act and noting the Appellant’s evidence that some areas of the Property were not usable, Ms. Vasileva clarified that it was only the above specified areas that had been valued, the rest of the areas were excluded.

7.4 Ms. Vasileva referred to the lease with a rent of €64,500. She said no other details had been submitted and the Appellant’s agent informed her it was a “sporting lease” involving a total acreage.

7.5 She gave her view on the Appellant’s comparisons in County Meath.

7.6 Royal Tara Golf Club (Property Number 1553956) was, she said, about 36 km west from the subject property, located in a rural area. Referring to the map in her précis, she said there was no residential neighbourhood in the immediate vicinity of this golf club; the closest towns were Navan, approximately 8 km north and Trim, 13 km to the west. The clubhouse, she said,

was “in older condition, built pre-2000”. In the light of what the Commissioner had designated its “rural” and “older” status, its NAV was set at €45/m².

7.7 Headfort Golf Club (Property Number 1553045) was, she said, about 50 km west of the subject property. Referring to the map in her précis, she said there was no residential neighbourhood in the immediate vicinity of this golf club; the closest towns were Kells, about 2 km northwest, and Navan, 15 km to the south. Again, she said this property was “in older condition, built pre-2000”. In the light of its “older” status and its location “outside Kells town”, the property was valued at €45/m².

7.8 Ms. Vasileva said that there was no property on the Valuation List under the name of the Appellant’s third comparison, “Trim Golf Club”. She identified two clubs in the Trim area, County Meath Golf Club (Property Number 1554286) and Knightsbrook Golf Club (Property Number 2185150).

7.9 The County Meath clubhouse was, said Ms. Vasileva, located about 52 km southwest of the subject property in a rural area. The closest town was Trim about 5 km to the north. Again, this clubhouse was, she said, “in older condition, built pre-2000”. It was, accordingly, valued at €45/m².

7.10 Ms. Vasileva said that the Knightsbrook clubhouse was 46 km southwest of the subject property “in the outskirts of Trim town”. The immediate area included residential neighbourhoods and the property, she said, was built post-2000 and was, accordingly, deemed a “newer construction”. Having been categorised as “modern” and “urban”, this clubhouse was valued at €55/m².

7.11 Ms. Vasileva noted that the other properties referred to in Mr. Flynn’s précis were located in different local authority areas (5 in Louth and 2 in Dublin). These properties, she said, did not provide market evidence of values in County Meath and were, accordingly, not relevant to the appeal.

7.12 Ms. Vasileva provided her own comparisons as follows:

- Knightsbrook Golf Club (property number 2185150), the entire area of 573.91 m² was valued at €55/m², making a total NAV of €31,500. This property was in the urban and modern categories.
- Ashbourne Golf Club (property number 1552484), the entire area of 422.74 m² was valued at €50/m², making a total NAV of €21,100. This property was in the urban and older categories.
- Killeen Castle Golf Club (property number 2209273), the entire area of 2,084 m² was valued at €55/m², making a total NAV of €21,100. This property was in the urban and modern categories.
- Bellewstown Golf Club (property number 5014851), the entire area of 122.63 m² was valued at €50/m², making a total NAV of €6,130. This property was in the rural and modern categories.

7.13 Ms. Vasileva, in her précis, stated that the Appellant had not provided any market or tone of the list evidence to justify a proposed valuation rate of €43/m². She said that the annual rent in the lease of €64,500 reflected a value per square metre of €53, higher than the level of €50 applied by the Commissioner.

7.14 She said that the older condition of the building has been taken into consideration when the property was valued in Revaluation 2019. It was for this reason that the level of €50/m² was applied as distinct from the higher value of €55/m² which would be applied to *newer* clubhouses in an urban location.

7.15 Referring to Mr. Flynn's points about green fees, membership numbers, entrance fees, yearly subscriptions, poor business and so on, she said that neither the subject property nor any other clubhouses on the list had been valued on an income basis.

7.16 Ms. Vasileva explained that golf clubs tended to be owned by members and accordingly there was a lack of market rental transactions available for comparison in the Meath local authority area. She said that in the 2017 Revaluation, in the absence of Key Rental Transactions relating to golf clubs, the Contractor's Basis of Valuation method had been used. She

confirmed to Mr Flynn that the contractor's tests were not re-done in 2019 but rather the 2019 valuations had been arrived at using the 2017 figures with the addition of an adjustment made to distinguish between urban and rurally located properties. She said that there had been no appeals on the 2017 figures, so the Commissioner had considered them fair. Under cross-examination from Mr. Flynn, she confirmed that in 2017 the old/new distinction had been applied, with properties dating before 2000 set at €45/m² and, after 2000, at €50/m². In 2019, the urban/rural distinction was added to the scheme to the effect that "new, urban" clubhouses were valued at €55/m²; "new, rural" and "old, urban" properties were both set at €50/m²; and "old, rural" clubhouses, at €45/m².

7.17 Asked by Mr. Flynn if a valuation method based on turnover was considered. Ms. Vasileva said she presumed all methods were considered in 2017 and that the Contractor's Method was deemed most appropriate. She said it had been applied again in 2019 because it had been accepted and applied in the previous Revaluation.

7.18 Having noted Ms. Vasileva's evidence that the Contractor's Method was adopted and accepted in 2017, and the context whereby the valuation was decided based on the information appropriate to that method, the Tribunal asked Ms. Vasileva why the urban/rural distinction was added in 2019. Ms. Vasileva said she was unable to answer that question.

7.19 Ms. Vasileva said that the urban/rural distinction was based on "reasonable walking distance from town" which she put at between 2 and 3 kilometres. Referring to her map, she said one could see a neighbourhood adjacent to the Property. In reply to questions from Mr. Flynn, Ms Vasileva acknowledged that people generally use vehicles to travel to golf courses but argued that being within walking distance of an urban area was, nevertheless, a benefit.

7.20 In reply to Mr. Flynn, Ms Vasileva confirmed that the Property was about 3 kilometres from Laytown. Mr Flynn asked Ms. Vasileva if she would agree that Headfort Golf Club was 1.7 kilometres from Kells town centre. Ms. Vasileva acknowledged that it was between 1.7 and 2 kilometres from the town centre. She said that when she was looking at that comparison she thought it was very close to the town but speculated it was valued at €45/m² because it was not in the exact immediate area of the town but "kind of on the border between urban and rural." She later added, in response to questions from the Tribunal, that it might have been so valued because there were no residential neighbourhoods near it. She confirmed to Mr Flynn that all

neighbourhoods and residential areas were considered urban, and that size did not matter, a village of 200 houses and a town of 2,000 houses were both deemed “urban” for the purposes of the scheme.

7.21 Ms. Vasileva confirmed that the subject property was 8 kilometres from Drogheda and that Royal Tara was 8 kilometres from Navan. She said, “there was nothing around Royal Tara.”

7.22 Mr. Flynn asked Ms Vasileva if the Commissioner considered the size of a golf course in the valuation of its clubhouse. Ms Vasileva was unable to give a definitive answer as to whether the Contractor’s Method would have taken account of such a matter.

7.23 Ms. Vasileva confirmed that she had visited Knightsbrook Golf Course and was aware that the clubhouse was attached to a 4-star hotel. She agreed with Mr Flynn that Knightsbrook was newer than the subject and said that was the reason it was valued higher. She confirmed that this and the subject were the only golf clubs she had visited but that the comparisons would have been inspected by her colleagues.

7.24 Mr. Flynn put it to Ms. Vasileva that 70% of the roof of the badminton hall was flat. She said she was unable to confirm this but stated that it was a tiled roof in good condition.

7.25 The Tribunal referred Ms. Vasileva to Mr. Flynn’s evidence that the Royal Tara clubhouse was demolished and purpose-built from the ground up in 2000 or 2001 and asked her to justify the valuation of that property at €45/m² against the valuation of the older subject property at €50/m². She replied that the rural location of Royal Tara, as opposed to the urban location of the subject accounted for the €5 difference.

7.26 Ms. Vasileva declined to accept the proposition that golf clubs were destination properties or that proximity to urban centres was not of central importance. She said that most of the membership of a golf club was local and that proximity to a town enabled a club to attract a bigger membership. She said that this was borne out by Mr. Flynn’s evidence that 85% of the membership was from the local area. It was put to her that the figure of 85% in Mr. Flynn’s evidence referred to the area including Drogheda town and not merely the area in the immediate locality. Mr Vasileva response was that those who play golf every weekend would be inclined

to choose the club closest to them. However, having accepted the proposition put to her that people who travel to golf clubs — bringing with them a golf bag and golf shoes and so on — did not usually walk, she agreed that it was irrelevant whether these people were located close by.

7.27 Ms. Vasileva, in her summing up, asked the Tribunal to uphold the valuation of €60,700, which she said was fair as it was based on the Contractor's Method applied and accepted in 2017 and based on the fact that of the nine golf clubs in County Meath, the subject property was the only one that had submitted an appeal on the 2019 Revaluation. Ms Vasileva referred in her summing up to the rent of €64,500 in the lease but, when it was put to her, accepted the evidence of Mr. Flynn that the lease concerned the entire 120 acres and that this point could, accordingly, be disregarded.

8. SUBMISSIONS

8.1 There were no legal submissions.

9. FINDINGS AND CONCLUSIONS

9.1 On this appeal the Tribunal has to determine the value of the Property so as to achieve, insofar as is reasonably practical, a valuation that is correct and equitable so that the valuation of the Property as determined by the Tribunal is relative to the value of other comparable properties on the valuation list in the rating authority area of Meath.

9.2 One of the difficulties associated with this appeal is the lack of rental data for comparable properties. It is common case that golf clubs tend to be owned by the members and consequently there are few leases to inspect and compare. There is a lease in existence, but the Tribunal accepts that this is a “sporting lease” rather than an open market lease and that the rent therein relates to the entire golf course, rather than the clubhouse alone (which was itself built and paid for by members). Accordingly, the rent in that lease is of no assistance to the Tribunal in determining this appeal.

9.3 Given the lack of rental information relating to golf clubhouse properties, Ms. Vasileva explained that the Commissioner, in the 2017 Revaluation, applied the Contractor's Method as

a basis of valuation in order to value such properties, distinguishing, at the same time, between “old” (pre-2000) and “new” (post-2000) properties, the latter of which attracted, as one might expect, a higher valuation. For the 2019 Revaluation, the Commissioner adopted the results of the method used in 2017 with an additional adjustment to differentiate between “urban” and “rural” properties, the former attracting the higher valuation. Ms. Vasileva explained that a golf club that was within walking distance of a residential area (a distance she put at up to 3 kilometres) was regarded as being in an urban location, and a rural club was outside this radius. Consequently, a club like the subject property, built pre-2000 and therefore an “old” property” located beside a residential area in Bettystown, was valued at €50/m² whereas other “old” clubhouses on the same list, but which were, unlike the subject, designated “rural” including Royal Tara Golf Club, Headfort Golf Club and County Meath Golf Club (which Mr. Flynn in his précis and evidence referred to as Trim Golf Club) were valued at €45/m².

9.4 Mr. Flynn expressed the view that the Commissioner’s distinction between urban and rural golf clubs is a fundamentally flawed approach. He argued that golf clubs are “destination properties” and that being located near a town, or a village in the case of the subject, is of no particular advantage. He further argued that, even if one were to accept the urban/rural distinction in principle, the subject, given its location, should be designated “rural”. He compares its situation with that of other clubs in the €45/m² category on the same valuation list and can see no basis for valuing the subject property in the higher, urban category.

9.5 The Tribunal has considered the location of the subject property along with that of the comparable properties in County Meath. It is noted that the subject is beside a residential estate in Bettystown (at the edge of the village and on the coast), about 3 kilometres from Laytown and 8 kilometres from Drogheda. Looking at the comparisons, the Tribunal notes that Headfort Golf Club, located between 1.7 and 2 kilometres from Kells town centre, is placed by the Commissioner in the rural category. Royal Tara Golf Club, with a sparse population around it but about 8 kilometres from Navan, is likewise deemed rural; so is Meath Golf Club, located 5 kilometres north of Trim. No evidence was given as to the population figures for the various towns and villages mentioned but the Tribunal is aware from its own knowledge that Bettystown (taken on its own) is a village, smaller than the towns of Kells and Trim and much smaller than Navan. Obviously, if Laytown were to be considered, the population available to the subject would be somewhat higher, but Laytown is further away from the subject than Kells

is from Headfort Golf Club, and not much nearer to the subject than Trim is to Meath Golf Club.

9.6 The Tribunal is aware that a large local population is of benefit to most businesses that depend on customer footfall. However, it accepts, at the same time, the view expressed by Mr. Flynn that golf clubs are destination properties where people are willing to travel some distance from within the country as well as from abroad, in order to play at certain venues. In addition, the Tribunal is persuaded by the argument that no matter where club members travel from, the vast majority travel by car. Consequently, being within “walking distance” (whatever distance one might deem that to be) is of far less importance to a golf club property than it might be to other types of property. Certainly, when a potential customer is considering travelling to a club by car to play a round of golf that might take anything up to four hours, and possibly having a drink or a meal in the clubhouse afterwards, they would not have much regard to the difference between, say, a 3 kilometre or an 8 kilometre journey. The Tribunal agrees with Ms. Vasileva that proximity to a town might enable a club to attract a larger membership and this, indeed, should be considered to some extent in a valuation, but the point made in the previous sentence applies as much to a prospective member as it does to an occasional visitor. In this regard, the Tribunal believes that a prospective member will give far more attention to the attributes of a club such as the quality of the course, the conviviality of the members and the facilities at the clubhouse, than they would to the difference in journey time between one club and another.

9.7 In the light of the above, the Tribunal cannot see any reason for the Commissioner to make a distinction between the subject property, situated between the sea and the village of Bettystown and 3 kilometres from Laytown, with that of Headfort, which is located between 1.7 and 2 kilometres from the town of Kells, on the basis that the former is “urban” and the latter, “rural”. Nor can it see any reason, on the basis of relative distance from a centre of population, to distinguish between the subject property and Meath Golf Club, located 5 kilometres from Trim. Similarly, the Tribunal can see no good reason for deeming the subject property to be in an “urban” location that is superior to that of Royal Tara Golf Club which, notwithstanding the fact it has no residential neighbourhood near it, is only 8 kilometres from the large town of Navan, roughly the same distance as the subject is from Drogheda.

9.8 Mr. Flynn in his evidence placed considerable emphasis on what he perceived were the subject property’s disadvantages as a building when compared to the other properties he

mentioned. He gave evidence that the three main comparisons in Meath were all more modern than the subject (post-dating the subject by, perhaps, up to 3 years or so) and were, unlike the subject, “purpose-built”. Ms. Vasileva explained that the scheme of valuation took account of the age of the buildings, distinguishing between those built before 2000 and those built afterwards. The Tribunal is of the view that, even if this distinction is somewhat arbitrary, the difference of three or four years between the date of construction of one property and another (especially in circumstances where there was some uncertainty as to the actual dates) is not something it need have particular regard to in its deliberations.

9.9 While Mr. Flynn gave great detail on the structure and layout of the subject and its numerous problems, he did not provide any detail as to the structure and layout of the comparisons and what their particular strengths were relative to the subject’s perceived weaknesses. The Tribunal considers that just because certain works were carried out on one property it does not mean that property is “better” than another property, especially in circumstances where the subject was re-developed in 1996/1997 and yet, it seems that a great many problems remain. The burden of proof lies with the Appellant who must show that the comparisons they submit are better than the subject and provide evidence as to why the subject should, given its relative difficulties, so proven, be valued lower. Given Mr. Flynn’s evidence that the Appellant has been consulting architects about proposed works and that golf clubs keep an eye on competing developments, and learn from other’s mistakes, the Appellant could have brought forward architectural evidence about the relative strengths and weaknesses of the respective clubhouses, but chose not to do so.

9.10 Moreover, when one looks at the particular areas referred to by Mr. Flynn in his evidence (at paragraphs 6.5, 6.6 and 6.7 of this decision) and compares them with the limited number of areas actually included by Ms Vasileva in the revaluation set out at paragraph 7.3— one can see that much of the accommodation, including areas where Mr Flynn identifies difficulties, are members’ areas and were, on that basis, excluded.

9.11 Mr. Flynn argued that the business conducted at the subject property was weak. He provided figures on the number of members, introductory entrance fee, yearly subscription and green fee rates. He offered corresponding figures for County Louth Golf Club. He also gave income figures for the club between 2019 and 2022 and gave what he said were the income

figures for County Louth Golf Club and Seapoint Golf Club. The Tribunal makes a number of observations in regard to these matters.

9.12 If the Appellant had wished the Tribunal to have regard to the level of business conducted at the subject property and to make a valuation argument on that basis, it should have provided comprehensive and properly completed accounts, and not merely overall income figures unsupported by accounting evidence. Furthermore, while the Tribunal acknowledges the evidence of the Appellant as to the number of members, entrance fee, subscription fees and green fee rates in regard to the subject, it was not presented with corresponding figures for any similar property in County Meath with which they might be compared and, in the light of which, the Tribunal might have viewed the corresponding NAVs in order to achieve equity and uniformity of values between properties on the County Meath list.

9.13 The Tribunal sees some merit in Mr. Flynn's argument that the nature and quality of a golf course, a destination property, as Mr. Flynn put it, should be taken into account in the valuation of the clubhouse that serves it. While the Tribunal doubts that the actual yardage of a golf course would be a particularly valuable metric, it appreciates that the number of holes or indeed, the number of courses available to play, would likely be of some significance. In addition, the Tribunal finds that the reputation, quality and attractiveness of the course, a history of hosting big events, and its Irish or world ranking, could be of some evidential assistance. Mr. Flynn mentioned that Laytown & Bettystown was ranked "94th approximately" in Ireland but gave neither the source of this information or the corresponding rank for Headfort, Royal Tara or County Meath. Consequently, that information is of little assistance to the Tribunal. However, Mr Flynn stated that Royal Tara was a 27-hole course and, more significantly, he told the Tribunal that Headfort had not one, but two 18-hole courses, served by a single clubhouse. In addition, he said that Headfort had played host to the Irish Amateur Close Championship, an achievement he said the subject property did not have the facilities to emulate. While little or no evidence was given in relation to the quality of the other comparisons, except for the higher valued Killeen Castle, which hosted the Solheim Cup and which, the Tribunal accepts is a world class golf course, the Tribunal is of the view that some account should be taken of these matters where there is information available, as was provided in relation to Headfort and the subject property.

9.14 In conclusion, the Tribunal finds that taking account of the lack of rental evidence, it accepts the Respondent had to resort to using the Contractor's Basis of Valuation in 2017 as the most appropriate method of valuation in the circumstances. As the valuation figures were accepted in 2017 by ratepayers, the same method was used again in 2019 to value the same properties, with an additional adjustment taking account of the urban/rural distinction. The Appellant does not take particular issue with the use (and re-use) of the Contractor's method, and neither, given that some method of valuation is necessary to achieve, as far as practicable, correctness of value in the absence of rental evidence, does the Tribunal. However, in the light of the conclusions reached by the Tribunal in paragraph 9.7, the Tribunal, in order to achieve equity and uniformity between values of similar properties on the Meath list, must adjust the valuation of the subject downwards. Moreover, in the light of the conclusions reached by the Tribunal and set out in paragraph 9.13, the Tribunal is of the view that a further reduction in value is necessary to take account of the fact that the subject property clubhouse serves a single course of 18 holes as against the two course, 36 hole and rather more prestigious golf course served by the Headfort clubhouse. The Tribunal is of the view that the appropriate valuation, taking account of these matters, should be €43/m², making an overall valuation for 1,214.13 m² at €52,207.59, rounded to €52,200.

DETERMINATION:

Accordingly, for the above reasons, the Tribunal allows the appeal and decreases the valuation of the Property as stated in the valuation certificate to €52,200, calculated as set out above.

RIGHT OF APPEAL:

In accordance with section 39 of the Valuation Act 2001 any party who is dissatisfied with the Tribunal's determination as being erroneous in point of law may declare such dissatisfaction and require the Tribunal to state and sign a case for the opinion of the High Court

This right of appeal may be exercised only if a party makes a declaration of dissatisfaction in writing to the Tribunal so that it is received within 21 days from the date of the Tribunal's Determination and having declared dissatisfaction, by notice in writing addressed to the Chairperson of the Tribunal within 28 days from the date of the said Determination, requires the Tribunal to state and sign a case for the opinion of the High Court thereon within 3 months from the date of receipt of such notice.