

Appeal No. VA94/2/034

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

**Matthew Gilligan**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Funeral Home at Map Ref: 10c, Market Square, Townland: Clare, E.D. Claremorris, R.D. Claremorris, Co. Mayo  
Quantum - Operating at a loss

**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 22ND DAY OF MARCH, 1995**

By Notice of Appeal dated the 27th day of July, 1994 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £14.00 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "£14.00 valuation in Mayo means £560 rates. We only average 20 to 25 funerals to funeral home each year for which we receive £40 per funeral. We also have to pay for cleaning and light and maintenance which leaves all our takings going to the Council. We got no grant or loan, no light, sewerage or water."

**The Property:**

The property comprises a funeral home located at the rear of Market Square with access off Chapel Lane on to Cork Street.

**Valuation History:**

The property was first valued as new at £14.00 rateable valuation in November, 1992. An appeal was lodged to the Commissioner of Valuation and no change was made at First Appeal. It is against this determination of £14.00 that an appeal lies to the Tribunal.

**Written Submissions:**

A written submission was received on the 1st March, 1995 from Patrick J. McEllin & Son, Solicitors, Claremorris, Co. Mayo on behalf of the appellant. In the written submission, it was stated that Mr. Gilligan was the owner of a funeral home. The facility was built by him at a cost of £22,000 without any grants or loans from Mayo County Council. No services are provided to the property in that there is only one poor street light on the road outside the funeral home. There is no sewerage or water connections abutting the premises and the applicant had to carry out extensive earth works to take connections from adjoining property owned by him. In 1994, the appellants best year of trading, only 22 funerals used the funeral parlour. The charge for each funeral is £40.00 and the income only amounted to £880.00. In 1995 to date only 2 funerals have used the funeral parlour and taking into account the overheads such as light, water and cleaning which runs to approximately £5.00 per week, the net income for the year 1994 was £600.00. In these circumstances it was stated that the valuation of £14.00 was excessive.

A written submission was received on the 5th January, 1995 from Mr. Jim Gormley, B.Agr.Sc. A.R.I.C.S., a district valuer with 20 years experience in the Valuation Office on behalf of the respondent. In his written submission, Mr. Gormley described the property and its valuation history. Commenting on the appellants grounds of appeal, Mr. Gormley said that the N.A.V. assessed at £2.15 per square foot was moderate for a new building in an urban location particularly in the light of valuations listed as comparisons in his précis, all of which are in inferior locations.

Mr. Gormley set out his calculation of the rateable valuation on the subject premises as follows:-

$$\begin{array}{rclcl} \text{Area:} & 1,294\text{ft}^2 & @ & \text{£}2.15/\text{ft}^2 & = & \text{£}2,782 \\ & & & \times 0.5\% & = & \text{£}13.91 \end{array}$$

Say = £14.00

Mr. Gormley offered three comparisons in the area as follows:-

- (1) **Careys**, 34 Main Street, Ballindine. Funeral Home and Workshop.  
20 - 30 funerals per year. R.V. £25.00 - 1992 Revision.

Funeral Home: 1,619ft<sup>2</sup> @ £2.15/ft<sup>2</sup>

- (2) **Greg Murphy**, 28g Carrowmore, Knock.  
Cost £20,000 - 1992. 22 - 30 funerals per year. R.V. £15.00 - 1992 Revision

Funeral Home: 1,353ft<sup>2</sup> @ £2.00/ft<sup>2</sup>

- (3) **Martin Donnollan**, 28c Hazelhill, Ballyhaunis. Erected 1988.  
R.V. £20.00 - 1988 Revision.

Funeral Home: 1,065ft<sup>2</sup> @ £2.80/ft<sup>2</sup>

### **Oral Hearing:**

The oral hearing took place in Castlebar on the 22nd day of March, 1995. Mr. McEllin of Patrick J. McEllin & Son, Solicitors appeared on behalf of the appellant and Mr. Jim Gormley appeared on behalf of the respondent. The appellant gave evidence that his premises is situate on a street with only one public light. The premises were not serviced and they had to bring water and sewerage connections in from his adjoining public house. He further gave evidence that the business was operating at a loss in that the gross income for 1994 was under £900.00.

Mr. Gormley gave evidence in accordance with his written submission. He emphasised that this premises was not being treated as a main street premises where a value per square foot would have amounted to about £12.00.

### **Determination:**

The Tribunal has considered the written submissions and evidence and it is satisfied that the subject premises is in a poor location and is operating at a loss. Nevertheless a sum of

approximately £26,000 (including site value) was invested in it by the appellant and it is operating, albeit at a loss, as a commercial premises. The Tribunal is satisfied that a valuation of £10.00 is fair and reasonable and so determines.