

**LANDS TRIBUNAL FOR NORTHERN IRELAND**  
**LANDS TRIBUNAL AND COMPENSATION ACT (NORTHERN IRELAND) 1964**  
**RATES (NORTHERN IRELAND) ORDER 1977**

**VT/1/2008**

**BY**

**LIAM FLANNIGAN & BERNADETTE FLANNIGAN – APPLICANTS/APPELLANTS**

**Property: Brae House, 8 Corernagh Road, Tandragee**

**Lands Tribunal – Mr Michael R Curry FRICS IRRV MCI.Arb Hon.Dip.Rating Hon.FIAVI**

**Application for leave to Appeal**

- 1) By a Decision Reference 05/07 of 18<sup>th</sup> July 2008 (the ‘Decision’) the NI Valuation Tribunal refused the Applicants’/Appellants’ appeal against a Decision of the Commissioner of Valuation. The President of the Valuation Tribunal subsequently refused their application for leave to appeal to this Tribunal. By an application, received on 24<sup>th</sup> October 2008, the Applicants/Appellants now seek leave from this Tribunal to do so. In their written representations they say, among other things, that the evidence they gave to the Valuation Tribunal was ‘totally dismissed’ and they point to comparables that they say support their case. No other person made any representation.
- 2) The Decision records that comparisons were put forward on behalf of both the Applicants/Appellants and the Commissioner. Some of these were Capital Values in the List, others were sales evidence. The Tribunal concluded that “on balance, it [saw] nothing of sufficient weight to displace the statutory presumption of correctness”. That may be a correct conclusion. But the Decision does not set out any analysis of either the Capital Values or the sales evidence. It does not provide any adequate explanation of how the Tribunal reached its decision - the linkage between the material it received and its conclusions. It is of particular concern that at least one of the comparables to which the Applicants/Appellants refer in their application for leave would appear to cast doubt on the presumption of correctness.
- 3) The Tribunal concludes that the lack of analysis and the absence of clear explanations are matters material to the outcome that leave it open to serious doubt. These are matters of general importance.

- 4) The Tribunal grants leave to appeal.
- 5) The Tribunal directs that the Registrar list the case for mention before the Tribunal.

**26<sup>th</sup> November 2008**

**M R Curry FRICS IRRV MCI.Arb Hon.Dip.Rating Hon.FIAVI  
LANDS TRIBUNAL FOR NORTHERN IRELAND**