

**Appeal No: VA19/5/1794**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2015  
VALUATION ACTS, 2001 - 2015**

**SOUTH EAST RADIO**

**APPELLANT**

**and**

**COMMISSIONER OF VALUATION**

**RESPONDENT**

**In relation to the valuation of**

Property No. 2101045, Retail (Shops) at Be Pierced, Unit 17 Mallin Street, Wexford Town,  
County Wexford.

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 26<sup>TH</sup> DAY OF MAY, 2025**

**BEFORE**

**Peter Stapleton - FSCSI, FRICS, Dip Arb**

**Member**

**1. THE APPEAL**

1.1 By Notice of Appeal received on the 14<sup>th</sup> 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 €9,300.

1.2 The sole ground of appeal as set out in the Notice of Appeal is that the determination of the valuation of the Property is not a determination that accords with that required to be achieved by section 19 (5) of the Act because:

*"We've had two professional auctioneers confirm that the valuation should be €6225 based on the fact that this part of Mallin Street is very difficult to rent."*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €6,225.

**2. RE-VALUATION HISTORY**

2.1 On the 15<sup>th</sup> 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 €9,300.

2.2 Being dissatisfied with the valuation proposed, representations were made to the valuation manager in relation to the valuation. Following consideration of those representations, the valuation manager did not consider it appropriate to provide for a lower valuation.

2.3 A Final Valuation Certificate issued on the 10<sup>th</sup> day of September, 2019 stating a valuation of €9,300.

2.4 The date by reference to which the value of the Property, the subject of this appeal, was determined is 15<sup>th</sup> day of September, 2017.

### **3. DOCUMENT BASED APPEAL**

3.1 The Tribunal considered it appropriate that this appeal be determined on the basis of documents without the need for an oral hearing and, on the agreement of the parties, the Chairperson assigned the appeal to one member of the Tribunal for determination.

3.2 In accordance with the Tribunal's directions, the parties exchanged their respective summaries of evidence and submitted them to the Tribunal.

### **4. FACTS**

4.1 The parties are agreed as to the following facts.

4.2 The Property is located on Mallin Street directly opposite the Wexford Town library.

4.3 The Property comprises a ground floor retail unit within a two-storey mid terraced building in use as a body piercing studio. It is of brick and masonry construction with a pitched slated roof. Internally there are smooth plastered walls, a suspended acoustic tiled ceiling with boxed lighting and timber stud partition walls. The property is in reasonable condition throughout.

4.4 The floor areas are

Retail Zone A:	36.6 sq m
Retail Zone B:	<u>19.8 sq m</u>
Total :	<u>56.4 sq m</u>

4.5 The Property is let under an oral agreement from 2016 at a current rent of €6,860 pa. The rent passing on 15 September 2017 is unclear.

### **5. ISSUES**

5.1 The issues raised by the Appellant are:

5.2 Properties in the immediate vicinity of the Property are difficult to let.

5.3 The Valuation is excessive.

## **6. RELEVANT STATUTORY PROVISIONS:**

6.1 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.”

6.2 Section 48(3) of the Act as amended by section 27 of the Valuation (Amendment) Act 2015, provides for the factors to be taken into account 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.”

## **7. APPELLANT’S CASE**

7.1 The Appellant submitted a letter signed by Ms Nicola Walsh of ‘Accounts’, Zebra Properties, c/o South East Radio.

7.2 Ms Walsh considers that the rent payable for the Property in 2023 was €6,860, which is the maximum achievable.

7.3 Ms Walsh advises that the tenant is seeking a reduction in rent payable.

7.4 In support of her case she submits a list of payments received in 2023

7.5 An opinion of value from the Appellant is €6,225.00

## **8. RESPONDENT’S CASE**

8.1 The Respondent is represented by Mr Kevin O’Doherty

8.2 Mr O’Doherty notes that the Appellant has not provided any comparable evidence and is only relying on rental payments received in 2023, six years after the Valuation date of 15 September 2017.

Mr O’Doherty refers to the Valuation carried out pursuant to Section 19.5 of the Act

In support of his case, he submitted five KRT comparators from the surrounding location. The summary is:

Property No.	Address	Lease Date	NER @ Sept 2017	NER per sq. m @ Sept 2017	NAV
2101020	2, Anne Street, Wexford, Co. Wexford.	01/01/16	€11,640	€300 Zone A	€7,730
2101021	6, Anne Street, Wexford, Co. Wexford.	01/08/16	€11,400	€225.00 Zone A	€9,900
2102766	1, Barrack Street, Wexford, Co. Wexford.	15/3/17	€6,791.50	€150.00 Zone A	€9,330
2185190	5a/Unit 1, Custom House Quay, Wexford, Co. Wexford.	20/2/17	€8,544.88	€169.60 Zone A	€10,070
2191196	88 Barrack Street, Wexford, Co. Wexford.	15/3/17	€4620	€192.50 Zone A	€4800

Four NAV comparators are submitted

#### NAV Comparison 1

<b>Property Number</b>	2102108
<b>Occupier</b>	Martina Carroll
<b>Address</b>	Unit 21, Mallin Street, Wexford, Co. Wexford.
<b>Total Floor Area</b>	71.4 sq. m.
<b>NAV</b>	€10,150

Level	Description	Size (sq. m)	NAV per sq. m
0	Retail Zone A	32.94	€200
0	Retail Zone B	32.94	€100
0	Retail Zone C	5.52	€ 50
	<b>Total</b>	71.40	

This property is in the same parade as the Property and opposite the Library.

### NAV Comparison 2

<b>Property Number</b>	2102106
<b>Occupier</b>	Yvonne Maguire
<b>Address</b>	Unit 15, Mallin Street, Wexford, Co. Wexford
<b>Total Floor Area</b>	55.38
<b>NAV</b>	€10,290

Level	Description	Size (sq. m)	NAV per sq. m
0	Retail Zone A	47.58	€200
0	Retail Zone B	7.80	€100
	<b>Total</b>	55.38	

This property is in the same parade as the Property and opposite the Library.

### NAV Comparison 3

<b>Property Number</b>	2101047
<b>Occupier</b>	Wexford Area Partnership
<b>Address</b>	Unit 18, Mallin Street, Wexford, Co. Wexford
<b>Total Floor Area</b>	46.79sq.m
<b>NAV</b>	€9,010

Level	Description	Size (sq. m)	NAV per sq. m
0	Retail Zone A	43.31	€200
0	Store	3.48	€100
	<b>Total</b>	46.79	

This property is in the same parade as the Property and opposite the Library.

#### NAV Comparison 4

<b>Property Number</b>	2101049
<b>Occupier</b>	Kathleen Leacy
<b>Address</b>	Unit 19, Mallin Street, Co. Wexford
<b>Total Floor Area</b>	42.30 sq. m
<b>NAV</b>	€7,090

Level	Description	Size (sq. m)	NAV per sq. m
0	Retail Zone A	28.67	€200
0	Retail Zone B	13.63	€100
		42.30	

This property is in on Mallin Street also.

#### Summary of Comparisons

Property Number	Address	Retail Zone A	NAV
2102108	U. 21 Mallin Street, Wexford, Co. Wexford	€200	€10150
2102106	U. 15 Mallin Street, Wexford, Co. Wexford	€200	€10290
2101047	U. 18 Mallin Street, Wexford, Co. Wexford	€200	€9010
2101049	U. 19 Mallin Street, Wexford, Co. Wexford	€200	€7090

Mr O'Doherty contends that the correct Valuation is €9,300 assessed as

Level	Use	Area (sq. /m)	NAV € (sq./m)	NAV
0	Retail Zone A	36.6	€200 /sqm	€7320.00
0	Retail Zone B	19.8	€100/sqm	€1980.00
				<b>€9,300</b>

## **9. SUBMISSIONS**

9.1 There were no legal submissions.

## **10. FINDINGS AND CONCLUSIONS**

10.1 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 Wexford County Council.

10.2 The issue that arises in this appeal is the quantum of value of the Property and specifically the rate per square metre to be applied to the Property.

10.3 The Tribunal is conscious of the importance of an appellant presenting substantive and professional evidence when challenging the valuation. Appellants must ensure that their appeals are supported by credible and detailed evidence to facilitate a fair and thorough assessment by the Tribunal.

10.4 In this case, the Appellant has failed to provide evidence to support its opinion of value as at the Valuation date of 15 September 2017, relying purely on income received in 2023. In these circumstances, the Tribunal consider that the Appellants case is entirely deficient and inadequate to make a meaningful case.

10.5 The Tribunal is satisfied that the Defendant has produced nine reasonable comparators, namely five KRT and four NAV, none of which have been challenged, and which persuade the Tribunal that the NAV of €9,300 is correct.

10.6 The Tribunal is furthermore of the view that in relation to these matters the onus of proof lies on the appellant and in the absence of that type of evidence, the Tribunal considers that the Valuation should stand on the basis of the quantum arising from the comparators offered.

### **DETERMINATION:**

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent.

### **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.