

Appeal No: VA23/5/0375

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

ROONAGH POINT VENTURES LTD

APPELLANT

And

TAILTE ÉIREANN

RESPONDENT

In relation to the valuation of

Property No. 1318933, Retail (Shops) at 8.9.10/Unit 2 Westport Quay, Westport, County Mayo

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 2ND DAY OCTOBER OF 2025**

BEFORE

Martin Connolly - MAgrSc, M.Sc, MSCSI, FCInstArb

Member

1. THE APPEAL

1.1 By Notice of Appeal received on the 6th day of October, 2023 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 €13,320

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 : (a) *The Valuation is Incorrect:*

1. The Valuation we received on 23.09.22 was for €9990. The Valuation is now 15.09.23 is €13320. I did not appeal this originally as it was within the ballpark figure of the rent we pay. So the figure of €13320 is way in excess of the market rentable value of the property. Our current rent is €9000 per annum. This is overvaluing the properties. There are 7 shop units in the Harbour Mill Complex and this valuation is not representative of what the actual rents we pay are. The Quay is not part of the town and rents are lower here due to reduced footfall. The other units will be sending in appeals as well. Also if you look at current rents in the Westport town in general (and down at the Quay would be less still)

for retail units; one unit at Sherry Fitzgerald is advertised for €138 per square metre, not the €200 you are using in the Valuation.

2. The Actual Floor Space of the property as per original measurement is 71.3 sq m not 74.14 sq m as per the valuation.

3. I would like a reimbursement of the fee I have to pay to appeal this, due the vast increase in the valuation from the proposed valuation a year ago.

- 1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €9,000.

2. RE-VALUATION HISTORY

- 2.1 On the 25th day of May, 2023 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 €9,900.
- 2.2 A Final Valuation Certificate issued on the 15th day of September, 2023 stating a valuation of €13,320.
- 2.3 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1st day of February, 2022.

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 Ms Brid Conroy FCCA, M Phil, Director, represented the Appellant and Ms Claire Callan M Sc Planning and Development, B Sc Surveying represented the Respondent.
- 3.3 In accordance with the Tribunal's directions, the parties exchanged their respective summaries of evidence and submitted them to the Tribunal and the Appellant responded to the Appellant's précis.

4. FACTS

- 4.1 The parties are agreed as to the following facts.
- 4.2 The Property is a ground floor retail unit at Unit 2, Harbour Mill, the Quay Westport, a mixed residential and retail complex, about 1.5 km from the town centre. There is own door access to the Quay but no access to the car park at the rear.
- 4.3 The Property is used as a bookshop and is in good condition.

- 4.4 Tenure is leasehold. Details are set out in Appendix 1 (N/A to public).
- 4.5 Floor areas are agreed as shown in the table.

Use	Area (m ²)
Retail Zone A	59.11
Retail Zone B	12.19
Total	71.30

5. ISSUES

- 5.1. The issue in this case is quantum.

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 Ms Conroy provided a description of the Property, a map and photographs of the Property, a copy of the lease and part of the renewed lease, details of the appeal and her response to the Respondent’s précis.
- 7.2 Ms Conroy questioned the area of the area of the Property shown on the Valuation Certificate,, issued on 15 September 2023, 74.14 m². The Respondent accepted her estimate, which is shown in Paragraph 4.5.

- 7.3 Ms Conroy cited Unit 3, Westport Quay, the next door premises, as an NAV comparison. This is also Ms Callan's NAV Comparison No 1 and will be discussed in considering her evidence.
- 7.4 In the Notice of Appeal the appellant contended for an NAV of €9,000. It was pointed out that the NAV on the Certificate, €13,320, over valued the Property. It was not representative of the rents paid by the seven shops in the Quay, which is outside the town and has a limited footfall. The error in the floor area quoted in the Certificate was also pointed out.
- 7.5 In response to the respondent's précis at Paragraph 1.8 an error regarding the tenure was pointed out. The date for the lease renewal was June 2025, not June 2024 as stated. The appellant challenges the statement in Paragraph 5.4:
- The valuation date is 01 February 2022. The appellant has not supported the claim that rental levels have decreased since.*
- This assertion was not made. The point that the appellant did make was that there was no justification for the increased NAV from €9,990 in the Proposed Valuation Certificate issued on 23 September 2022 to €13,250 in the Valuation Certificate issued on 15 September 2023. The statement that the increase was based on market evidence is questioned.
- 7.6 In her précis dated 13 February 2022 Ms Conroy contended for an NAV of €8,626.92, based on a Zone A value of €134.64 per m² and for €9,000 in the Notice of Appeal dated 06 June 2022.

8. RESPONDENT'S CASE

- 8.1 Ms Callan provided a summary of her case that included her response to the Appellant's case, the valuation history of the Property, a location map, block plans, floor areas, photographs in support of his description of the Property and the NAV, NAV comparisons and Key Rental Transactions ('KRTs') to support the NAV.
- 8.2 The Property was described as being located on Westport Quay, c 1.5 km from the town centre. It is a mid-terrace retail unit, with apartments overhead, There is an open plan shop, stores and kitchen. The Property is in good condition and the floor areas, shown at Paragraph 4.4 are now agreed with the appellant.
- 8.3 Ms Callan put forward three KRTs for the benefit of the Tribunal. The data on these is summarised below and full details are in Appendix 2 (N/A to public).

KRT No 1

KRT No 1 is a retail premises located at Westport Quay adjacent to the Property and was let for two years from April 2018.

KRT No 2

KRT No 2 is a retail premises located at Westport Quay adjacent to the Property and was let for four year and nine months from July 2018.

KRT No 3

KRT No 3 is a retail premises located at Westport Quay adjacent to the Property and was let for eight years from May 2022.

8.4 The Respondent presented three NAV comparisons

NAV Comparison 1

Property Number	1318934
Address	Unit 3, Westport Quay, Westport
Use	Retail
Total Floor Area (m ²)	67.23 m ²
NAV of the List	€12,050
NAV agreed at VT Stage	€9,900

Level	Use	Area (m ²)	NAV/m ²
0	Retail Zone A	53.33	€165.00
0	Retail Zone B	13.90	€82.50

This property was also put forward by the appellant and is located close to the Property, in the same complex. The NAV on the Valuation Certificate was appealed to the Valuation Tribunal and was reduced to €9,900 by agreement prior to the hearing. The Zone A value was reduced from €200 to €165/m². This equates to an overall rate of €147.25/m².

NAV Comparison 2

Property Number	13189324
Address	Unit 1, Westport Quay, Westport
Use	Retail/Restaurant
Total Floor Area (m ²)	194.42 m ²
NAV of the	€22,700

Level	Use	Area (m ²)	NAV/m ²
0	Retail Zone A	76.57	€165.00
0	Retail Zone B	79.13	€82.50
0	Retail Zone C ¹	38.72	€41.25
		NAV	€21,750

¹ Taken from Tailte Éireann website. There was a typographical error in the précis.

This property is a restaurant adjacent to the Property. In addition to the internal space there is an element to the NAV for outdoor seating. The Zone A rate was reduced from €200 to 165/m² by agreement prior to a Tribunal hearing.

NAV Comparison 3

Property Number	1318938
Address	Unit 7, Westport Quay, Westport
Use	Retail
Total Floor Area (m ²)	42.97 m ²
NAV	€6,870

Level	Use	Area (m ²)	NAV/m ²
0	Retail Zone A	25.74	€200.00
0	Retail Zone B	17.23	€100.00

		NAV	€6,870
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This property is located adjacent to the Property and was not subject to representations or appeal.

- 8.5 The respondent contended for an NAV €10,750, reduced from €13,200 on the List. The valuation was arrived at on the following basis:

Use	Area (m ²)	NAV/m ²	NAV
Retail Zone A	59.11	€165.00	€9,753
Retail Zone B	12.19	€82.50	€1,005
			€10,758
		NAV	€10,750

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 Mayo County Council.
- 10.2 The issue in this case is quantum.
- 10.3 The appellant contended for an NAV of €8,626.92 *based on the current rent per annum* in the submission dated 13 February 2022 and €9,000 in the Notice of Appeal. Unit 3 Westport Quay was cited as a comparator.
- 10.4 Five items of rental information was presented to the Tribunal: three KRTs by the respondent; the original lease and some details on the lease renewal.
- 10.5 All three KRTs were located at Westport Quay, adjacent to the property. KRT No 1 was two year lease from April 2018, a date too remote from the valuation date to be of assistance. Unfortunately, no details were provided on the lease renewal in April 2020, which may have offered some guidance. KRT No 2 was a four years and nine months letting at Westport Quay, from July 2018, again too remote in time from the valuation date. KRT No 3 was a letting in the Westport Quay in May 2022 and as such could be

relevant. Analysis of the lease renewal data at Appendix 1 (N/A to public) would indicate that the Zoned A of the this KRT was more than double that of the Property. No evidence was provided to explain this difference and other than stating the premises are adjacent to the Property no further information is provided as to how this letting could inform the estimation of NAV.

- 10.6 The appellant provided a copy of the lease dated 2019. The lease terms, tenant responsibility for repairs, rates insurance etc, meet the requirements of the hypothetical tenancy but the date, June 2019, is too remote from the valuation date to be assistance. The lease renewal in June 2024 is also somewhat remote from the valuation date. In addition the RICS Guidelines on comparable evidence state:

Sale or leasing transactions the have taken place for similar real estate will provide the best evidence... Rent reviews and lease renewal agreements reached by negotiation ... can also provide good comparable evidence for market rental levels if the data is fully validated...¹

The terms of the renewed lease, the revised rent and new term are provided but there is no information on the background negotiations which would have helped to inform the analysis. For these reasons the lease renewal is of limited assistance.

- 10.7 The appellant cited one NAV comparison in support of their case and the respondent put forward three. The appellant's PN 1318934, and the respondent's Comparable 1, is a 67.23 m² unit next door to the Property. The NAV was reduced by agreement prior to a Tribunal hearing from €12,050 to €9,900, giving a Zoned A rate of €165/m². The respondent's Comparable No 2 at Westport Quay is a restaurant premises. The NAV was reduced by agreement, prior to a Tribunal hearing to €21,750 which represents a Zoned A rate of €165/m². This property is described as having a total floor area of 194.42 m², more than twice the size of the Property. The SCSI Professional Guidance recommends that : ... *greater weight be applied to evidence derived from units which are closer in size to the premises being valued. A guideline of +/- 50% is suggested*². Consequently this comparable is of limited assistance. The respondent's Comparable No. 3 is a 42.97 m² retail unit at Westport Quay, with an NAV of €6,870, €200/m². The occupier was not professionally represented and did not make representations or an

¹ RICS Professional Standard. Comparable evidence in real estate valuation. 1st edition, October 2019, Paragraph 4.6, page 14.s in

² SCSI Professional Guidance. Retail zoning for the Chartered Surveyor, Paragraph 7, page 6.

appeal to the Tribunal. The unit is considerably smaller than the Property, with approximately 60% of the floor area.

10.8 Relevant market rental information is the best guide to the NAV of a property. However, as pointed out at Paragraphs 10.5 and 10.6 the rental information available is of limited assistance. Similarly some of the comparable evidence put forward has limitations. However, the respondent's Comparable No 1 with a Zone A rate of €165/m² is common to both parties, and is considered persuasive.

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 €10,750 calculated as set out in the table below.

Use	Area (M²)	NAV/m²	NAV
Retail Zone A	59.11	€165.00	€9,753.15
Retail Zone B	12.19	€82.50	€1,005.68
Total	71.3		€10,758.83
		NAV	€10,750.00

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.