

**Appeal No: VA23/5/1226**

**AN BINSE LUACHÁLA**

**VALUATION TRIBUNAL**

**NA hACHTANNA LUACHÁLA, 2001 - 2015**

**VALUATION ACTS, 2001 - 2015**

**PIER 23**

**APPELLANT**

**and**

**COMMISSIONER OF VALUATION**

**RESPONDENT**

**In relation to the valuation of**

Property No. 1343994, Retail (Shops) at 11 12/d Cloonmonad incl. Roman island, Westport, County Mayo.

**JUDGMENT OF THE VALUATION TRIBUNAL**

**ISSUED ON THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2025**

**BEFORE**

**Raymond J Finlay - FIPAV, MMII, ACI Arb, TRV, MCEPI, PC**

**Member**

## **1. THE APPEAL**

1.1 By Notice of Appeal received on the 13<sup>th</sup> 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 € 17,570.

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: Shops on the The Quay in Westport received Valuation Calculations in 2022 with retail Zone A charged at €150 per m2 and Zones B and C at the corresponding lower rates. These rates delivered valuations which accorded with the upper end of rents that could be achieved at the time for these premises. The rents for these units have decreased if anything, due to reduced demand for retail space amid increased costs in everything from electricity, insurance and communications to stock and staff*

wages. Rents have not increased in the last 12 months and so a revaluation for shops at The Quay, Westport which raises Zone A to a charge of €200 per m<sup>2</sup>, representing an increase in the rate of 33%, does not in any way represent a true determination of their value. Indeed, the Valuation Office Heat Map shows the revaluation levels in Reval 2023 Counties for Retail Zone A for The Quay, Westport at Colour Band €101 - €150. Given the drop in demand, footfall and rental values a Zone A rate of €120 per m<sup>2</sup> and the corresponding lower rates for Zones B and C would seem to a more accurate determination of the value of retail units at The Quay, Westport.

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €10,554.

## **2. RE-VALUATION HISTORY**

2.1 On the 25<sup>th</sup> 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 €13,170.

2.2 A Final Valuation Certificate issued on the 15<sup>th</sup> day of September, 2023 stating a valuation of €17,570.

2.3 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1<sup>st</sup> 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 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 subject property is a retail unit of 143.89 M2 including store in a character mixed use development of a former mill tastefully developed into six retail units and overhead apartments c1.5KM from the centre of Westport town, one of the west's, if not Ireland's most popular resort towns. The population of Westport is 6,872, 2022 census, but its population would swell during holiday periods. The property itself is ground floor and open plan in good condition throughout. It is mid terrace with its adjoining retail outlets occupied and trading.

The floor area has been agreed between the parties. We understand the property to be freehold.

Retail Zone A 52.88m

Retail Zone B 50.02m

Retail Zone C 38.77m

Stores 2.22m

Total 143.89 m

## **5. ISSUES**

The Issue is wholly one of 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 Whilst the appellant did not furnish a precis in this light, she made her opinion and case within a revaluation appeal form dated 13/10/23.

Within this document the appellant stated that it was her opinion that a suggested rate of E150m<sup>2</sup> Zone A was too high. This was before the implementation of a rate of E200m<sup>2</sup> Zone A. In Her view this was evidence by a reduced demand for retail space together with increased costs in electrical, insurance, communications, stock and staffing costs.

In Her opinion actual rents had reduced ‘If anything ‘and She offered the Tailte Eireann Price Heat map as evidence as She felt this showed Her property at a rate of E101m<sup>2</sup>/E150ms Zone A.

Her opinion of Value therefore using a rate of E120m<sup>2</sup> Zone A, a fairer rate in her opinion, would be E10, 554.

## **8. RESPONDENT’S CASE**

8.1 The respondent in this matter essentially made the following points to conform to a valuation in line with Section 19(5) and Section 48 of The Valuation Act 2001.

The increase on the rate from E150m<sup>2</sup> to E200m<sup>2</sup> was based on localised market evidence. There was no evidence supplied to support a decrease in commercial rents since the valuation date 1<sup>st</sup> February 2022. It was the respondent’s opinion that the Heat Map had possibly been used in error as it shows a value of E200m<sup>2</sup> Zone A to be applied. No evidence was offered to support loss of footfall or demand and it was the Commissioner’s brief to seek out ‘similarly circumstanced ’properties to use for fair market comparison.

The respondent went on to offer three properties as Key Rental Transactions (KRT’s) to the subject property;

KRT 1.1343991 a similar property within Westport Quay.

This was a smaller unit than the subject with a short lease but it valued to E200m2 Zone A.

KRT 2.1318934

Also on Westport Quay, previously appealed and agreed at E200m2 Zone A/

KRT 3.1318938

Again smaller than the subject property but also Accurate to E200m2 Zone A and in the same development as the subject.

Then to strengthen his case for evidence and uniformity, the respondent cited three properties ( Net Annual Value)NAV comparisons;

NAV 1, 1318934

A direct comparison within Westport Quay. Appealed to the Commissioner and agreed on appeal at E165m2 Zone A.

NAV 2.1318932

Another direct comparison within Westport Quay. This retail unit was also appealed and agreed at E165m2.

NAV 3.1318938

Immediately adjacent to the subject property. This property has not been appealed and stands at a rate of E200m2 Zone A.

The respondent. On foot of these above appealed and agreed rates of E165m2 Zone A, from the previous E200m2 Zone A, suggests on his conclusion, an amended rate of E165m2 Zone A for the subject property.

## **9. SUBMISSIONS**

9.1 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.

It is the considered opinion of this Tribunal that although there is a definite sympathy for traders in these difficult post covid times, the appellant has failed to prove an actual rent devaluation due to the points raised by her; reduced demand and increased costs justifying her target rate of E120m<sup>2</sup> Zone A rate.

However, the respondent cannot reasonably uphold a rate of E200m<sup>2</sup> Zone A in this location where the tome of the rate is clearly set, on appeal at E165m<sup>2</sup> Zone A.

This is evidenced by the appeals and agreements of NAV Comparison 1 and NAV Comparison 2,

I therefore find that the fairest, most equitable and proven precedent in this matter to be E165m<sup>2</sup> Zone A.

In this particular determination the amended rate will trickle down into Zones B and C and also storage of 143.89 m<sup>2</sup>.

### **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 €165m<sup>2</sup> Zone A.

E 14,490 (Fourteen Thousand Four Hundred and Ninety Euro)

**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.