

Appeal No: VA23/5/1239

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

LIBERTIES

APPELLANT

and

COMMISSIONER OF VALUATION

RESPONDENT

In relation to the valuation of

Property No. 1343993, Retail (Shops) at The Quay, Cloonmonad, Westport, County Mayo.

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 6TH DAY OF NOVEMBER, 2025**

BEFORE

Thomas Kearns- B.Sc. (Surv), MRICS

Member

1. THE APPEAL

1.1 By Notice of Appeal received on the 13th 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 €10,580.

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:

‘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 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 m², representing an increase in the rate of 33%, does not in any way represent a true determination of their value’.

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €6,380.

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 €7,950.

2.2 A Final Valuation Certificate issued on the 15th day of September 2023 stating a valuation of €10,580.

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 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 Westport Quay approx. 1.5 km from Westport's main retail area and comprises a ground floor terraced retail unit in a mixed retail/residential development.

4.3 The retail unit forms part of a former Mill converted into a mixed use development and comprises an open plan shop with fitting room and stores to the rear. Internally the unit is in good condition and the walls are plastered and painted. The concrete floors have a timber and carpet covering.

4.4 The floor area of the property as agreed between the parties is as follows;

Ground Floor

Retail Zone A 27.96 sqm

Retail Zone B 44.56 sqm

Retail Zone C 9.30 sqm

Stores 3.60 sqm

Total 85.42 sqm

5. ISSUES

5.1 The issue is 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.”

6.3 Section 19 (5) of the Valuation (Amendment) Act 2015 provides:

The valuation list as referred to in this section shall be drawn up and compiled by reference to relevant market data and other relevant data available on or before the date of issue of the valuation certificates concerned and shall achieve both in so far as is reasonably practical;

- (a) correctness of value, and
- (b) equity and uniformity of value between properties on that valuation list.

7. APPELLANT’S CASE

7.1 The Appellant’s case is that the NAV assigned to the subject property is incorrect. The Appellant contends that various shops on the Quays received Valuations in 2022 using NAV Zone A rates of €150 per sqm with Zone B and C rates at corresponding lower rates.

7.2 *The Appellant contends that rents for Retail units on the Quays have decreased for the purpose of revaluation, due to reduced demand for retail space amid increased costs for electricity, insurance, communications, stock and staff wages. In addition the Appellant refers to the Valuation Office Heat Map which shows 2023 revaluation levels at the Quay in Westport ranging between €101 to €150 for Zone A retail space.*

7.3 *The Appellant contends that rents have not increased prior to the revaluation and any revaluation for shops at The Quay, in Westport which raises Zone A to a charge of €200 per m², does not in any way represent a true determination of their value.*

7.4 The Appellant seeks an NAV of €6,380 for the subject property which equates to a Zone A rate of €120 per sqm and corresponding lower rates for Zone B and C. No evidence has been put forward by the Appellant in the form of NAV comparisons or details of any Key rental transactions to support its case.

8. RESPONDENT'S CASE

8.1 Ms Callan on behalf of the Respondent, described the property and its location using photographs and floor plan contained in her submission. She notes the subject property which is in good condition, is located approximately 1.5 km from the main retail area of Westport.

8.2 In response to the Appellant's submission, Ms Callan notes that the Zone A rate of €150 per sqm was applied to retail units at the Quays at the proposed valuation certificate stage, however with the benefit of further comparable market evidence becoming available at representation stage at the location, the zone A rate was increased to €200 per sqm.

8.3 Ms Callan states that after investigating all particulars of the appeal including grounds of appeal and evidence put forward by the appellant, the correct NAV for the subject property is €8,740 which equates to a Zone rate of €165 per sqm.

8.4 Ms Callan has put forward 3 NAV comparisons as follows:

Property No	Address	NAV psm	NAV (€)	Size (m2)
PN 1318932	Unit 1 Westport Quay Co Mayo	Zone A €165	€21,750*	G Fl 194.42
PN 1318934	Unit 3 Westport Quay Co Mayo	Zone A €165	€9,900*	G Fl 67.23
PN 1318938	Unit 7 West Port Quay Co Mayo	Zone A €200	€6870	G Fl 42.97

* Agreed at VT stage

8.5 Ms Callan also refers to market evidence underpinning the valuation scheme and has put forward 3 Key rental transactions for retail units on the Quay in Westport as follows:

Property No	Lease Date	NER per sqm @ Feb 2022	NER (€) @ Feb 22	NAV
PN 1343991	April 2018	Zone A €215.72	€8,307	€200
PN 1318934	July 2018	Zone A €130.21	€7,849	€200
PN 1318938	May 2022	Zone A €324	€6,870	€200

8.6 Ms Callan's opinion of NAV is €8,740, calculated as set out hereunder;

Level	Use	Area (m2)	Rate (per m2)	Total NAV €
0	Retail Zone A	27.96	€165	€4,613
0	Retail Zone B	44.56	€82.50	€3,676
0	Retail Zone C	9.30	€41.25	€ 383
0	Store	3.6	€20	€ 72
Total		85.42		€8,744 say €8,740

9. SUBMISSIONS

9.1 There were no legal submissions.

10. FINDINGS AND CONCLUSIONS

10.1 On this revision appeal, the Tribunal has to determine whether the value of the Property accords with that which is required to be achieved by section 49 of the Act, namely a value that is relative to the value of other properties on the valuation list of Mayo Co Council rating authority area.

10.2 The Appellant's case is that the NAV assigned to the subject property is incorrect and states that shops on the Quays in Westport received 2022 Valuations using lower NAV Zone A rates of €150 per sqm with Zone B and C rates at corresponding lower rates

10.3 The Respondent has put forward 3 NAV comparisons together with 3 Key Rental transactions for retail units on the Quays in Westport. The NAV comparisons confirm a Zone A range of €165 to €200 and the three key rental transactions have an NER at Feb 2022 of €130.21, €215.72 and €324 per sq.m.

10.4 The Appellant's provides no market evidence or any NAV comparable evidence in the area to support its case. The Tribunal does not consider the evidence put forward by the Appellant to be of assistance in arriving at its decision.

10.5 The Tribunal finds the Respondents, NAV Comparison No 2 and 3 (PN 1318934 PN 1318938) at an NAV Zone A rate of €165 and €200 per sqm to be the most helpful evidence available in determining this matter. These comparisons are similar to the subject in terms of scale, size and location on the Quay in Westport, Co Mayo.

10.6 The Tribunal finds that in this appeal as in all appeals before the Tribunal, the onus of proof rests with the Appellant. This has been stated on multiple occasions and remains the guiding

principal for the Tribunal's determination. The Appellant has failed to satisfy the burden of proof in this case.

10.7 For the reasons outlined above, the Tribunal finds that the Appellant has not provided sufficient evidence to show that the Respondent's Valuation was incorrect and unjust having regard to the Tone of the List when compared to other properties in the Local Authority area.

11. DETERMINATION:

11.1 Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the NAV of €8,740 submitted by the Respondent in this appeal and a revised Valuation cert issued for this amount.

Level	Use	Area (m2)	Rate (per m2)	Total NAV €
0	Retail Zone A	27.96	€165	€4,613
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0	Store	3.6	€20	€ 72
Total		85.42		€8,744 say €8,740

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.