

**Appeal No: VA23/5/0320**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

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

**The Wild West Limited**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

**In relation to the valuation of**

Property No. 5013673, Office(s) at Unit 10-13, Westpoint Shopping Centre, Altamont Street,  
Westport, County Mayo.

**B E F O R E**

**Michael Brennan – BL, MSCSI**

**Deputy Chairperson**

**Orla Coyne - Solicitor**

**Member**

**Raymond J. Finlay – FIPAV, MMIL, ACI Arb, TRV MCEPL, PC**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**

**ISSUED ON THE 4<sup>TH</sup> DAY OF DECEMBER 2025**

**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 €54,000.

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 Wild West Limited have recently signed a new lease agreement (ref Stamp Cert 23-1376494-254D-190123) for an annual rent of €26,000, the same as was in place since 2014 and equates to a cost of €36.06 per m<sup>2</sup>. A copy of the lease and the Stamp certificate are available. An adjacent property (Next door) is 'for sale' for many years with an asking price of €320,000 which should return a rental of circa 6% i.e. approx €19,200 or €40.40 per m<sup>2</sup> tops. Auctioneers brochure and recent photographs are available. Property ref 1344232 which is in the vicinity and similar is valued at €22/m<sup>2</sup>, property 1344230 in the vicinity and much larger is valued at €16/ms and a similar business in Castlebar property ref 2181926 is valued at €36.m<sup>2</sup>.”*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €26,000.

## **2. REVALUATION HISTORY**

2.1 On the 23<sup>rd</sup> day of September, 2022 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 €54,000.

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 15<sup>th</sup> day of September, 2023 stating a valuation of €54,000.

2.4 The date by reference to which the value of the property, the subject of this appeal, was determined is the 1<sup>st</sup> day of February, 2022.

## **3. THE HEARING**

3.1 The Appeal proceeded by way of an oral hearing held remotely on the 17<sup>th</sup> day of February, 2025. At the hearing the Appellant was represented by Mr. Thomas Gill of Wild West Ltd and the

Respondent was represented by Mr. Oliver Parkinson Assoc SCSI, M.Sc. Real Estate, B.A. (Hons) Acc. of Tailte Eireann.

3.2 In accordance with the Rules of the Tribunal, the parties had exchanged their respective reports and précis of evidence prior to the commencement of the hearing and submitted them to the Tribunal. At the oral hearing, each witness, having taken the oath, adopted his précis as his evidence-in-chief in addition to giving oral evidence.

#### **4. FACTS**

From the evidence adduced by the parties, the Tribunal finds the following facts pertaining to the Property:

4.1 The subject comprises a large first-floor accommodation extending to 720.95 sq.m, formed from four amalgamated units within the Westpoint Shopping Centre, a privately managed development situated on the outskirts of Westport.

4.2 The property is accessed by an external staircase. Internally, it has been adapted for use as an indoor children's play centre. The surrounding complex is characterised by significant vacancy, with several units in shell-and-core condition and long-term non-occupancy.

4.3 A ten-year Full Repairing and Insuring lease from 1 April 2022 is in place at a rent of €26,000 per annum.

#### **5. ISSUES**

5.1 The issue is one of quantum. The Appellant contends that the valuation is excessive, inequitable and inconsistent with the evidence of rental value having regard to section 48 and section 19(5) of the Act. The Respondent maintains that the NAV accords with the relevant valuation scheme and is consistent with the tone of the list.

#### **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) (inserted by section 7(b) of the 2015 Act) of the 2001 Act provides:

*“(5) 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 (insofar as is reasonably practicable) —*

*(a) correctness of value, and*

*(b) equity and uniformity of value between properties on that valuation list,*

*and so that (as regards the matters referred to in paragraph (b) the value of each property on that valuation list is relative to the value of other properties comparable to that property on that valuation list in the rating authority area concerned or, if no such comparable properties exist, is relative to the value of other properties on that valuation list in that rating authority area.”*

## **7. APPELLANT’S CASE**

7.1 Mr Gill, having taken the oath, adopted his Précis as his evidence-in-chief in addition to giving oral evidence and contended for a valuation of €16,583. Mr Gill is the person in charge of the Appellant’s business and is in effect a “lay-litigant” in the subject appeal.

7.2 Mr Gill submitted that the NAV of €54,000 fails to reflect the rental value of the subject property at the valuation date. In particular he took issue with the fact that Respondent disregarded the actual use of the property as play centre, given that it is categorised as offices in the valuation certificate. He noted his surprise given that the lease was stamped for Revenue purposes with a corresponding leisure use.

7.3 Mr Gill also noted that there was an equivalent leisure business operating within 10-20 miles of the subject property. It was his view that there were only two properties operating as play centres in Mayo. It was his view that this was critical evidence and that was overlooked by the Respondent. As Mr Gill was not a surveyor experienced nor was experienced in these types of appeals, he was unaware that he could have used this evidence until informed at the actual hearing.

7.4 Mr Gill stated that the Appellant entered into a ten-year FRI lease from 1 April 2022 with an annual passing rent of €26,000 per annum. Mr Gill confirmed to the Tribunal that the lease was agreed in January 2022.

7.5 Mr Gill described the lease as arm's-length, contemporaneous to the valuation date, and the most probative evidence available under section 48(3). The rent equates to €36.06 per sq.m.

7.6 Mr Gill furnished photographic and narrative evidence of extensive vacancy, weak demand, and longstanding rentability issues within the Westpoint development. He stated that several units have remained unlet since construction in 2006. He provided evidence of a high vacancy rate in the town generally which he estimated to be at approximately 50% and there was a high turnover of tenancies outside of anchor tenants.

7.7 Mr Gill relied on a schedule of seven comparison properties demonstrating NAV levels between €16–€24 per sq.m for broadly comparable non-prime units in the Westport area. It was his evidence that first floor offices in the Westport area had the same functional use as the subject property and were credible evidence in the absence of dedicated leisure or play centre comparisons. The Appellant proposed a value of €23 per sq.m on this basis.

7.8 The Appellant submitted that the Respondent's scheme level of €75 per sq.m bears no relationship to the subject's individual characteristics, functional disadvantages or local market dynamics.

7.9 Under cross-examination it was put to Mr Gill that the comparisons that he relied upon were not relevant by virtue of their categorisation of use, which he denied. In summarising his case, he stressed the relevance of the passing rent of the subject property as uncontroversial and best evidence in the circumstances. He further stated that the Respondents Key Rental Transaction 1 ("KRT 1), a Chinese take-away extending to 211 sq. m. was not a relevant comparison.

**Please refer to Appendix 1 for details of the Appellant's Comparisons (N/A to public).**

## **8. RESPONDENT'S CASE**

8.1 Mr Parkinson, having taken the oath, adopted his Précis as his evidence-in-chief in addition to giving oral evidence and contended for a valuation of €54,000.

8.2 The Respondent relied upon the Mayo valuation scheme, applying a level of €75 per sq.m for first-floor office accommodation of the type described, contending that this produces equity and uniformity across Mayo for similar first-floor office accommodation.

8.3 Three NAV comparisons—located in Ballina, Castlebar and Westport—were relied upon. All are valued at the same scheme rate of €75 per sq.m.

8.4 Two Key Rental Transactions (KRTs) were also referenced, although these related to small, higher-quality ground-floor units.

8.5 The Respondent accepted the passing rent of €26,000 as material but submitted that it was not determinative under the Act.

8.6 The Respondent argued that the common scheme level ensures equity under section 19(5). He further stated that offices isolated in industrial buildings are not in accordance with this section of the Act.

8.7 Under cross-examination by Mr Gill, he explained that his valuation of €75 per sq. m was derived from an analysis of all the NAV comparisons and he denied that the comparisons relied upon by the Appellant were relevant due to their use and categorisation.

**Please refer to Appendix 2 for details of the Respondent's Comparisons (N/A to public).**

## **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 Tribunal affirms that the burden of proof rests on the Appellant to demonstrate that the valuation is incorrect and that an alternative figure better satisfies sections 48 and 19(5). In this current appeal, the Tribunal must determine:

- a. the evidential weight to be attached to the passing rent;
- b. the relevance and comparability of the Respondent's scheme and NAV comparisons;
- c. whether the Appellant has discharged the burden of proving that the NAV is incorrect; and
- d. the NAV which satisfies correctness, equity, and uniformity under section 19(5).

10.3 The Tribunal accepts that valuation schemes are designed primarily as an administrative instrument to allow the Respondent to undertake the national revaluation programme with

efficiency and consistency. The use of a common scheme level across a category ensures that large volumes of properties can be valued within a coherent structure. However, the purpose of a valuation scheme is not to displace the statutory requirement that each valuation must, in the first instance, reflect the rent a hypothetical tenant would pay for the individual property under section 48(3).

10.4 Consistency arises from the application of the scheme, but correctness arises from the evidence. The Act requires both, but in a defined order: correctness of value first, and only then equity and uniformity under section 19(5). A scheme therefore cannot be determinative where it yields a value inconsistent with the specific physical characteristics, functional realities, or market dynamics affecting a particular property. A valuation scheme promotes efficiency and general parity, but it cannot override evidence demonstrating that the scheme rate materially exceeds the level a hypothetical tenant would pay. To do so would achieve uniformity at the expense of correctness, contrary to the Act.

10.5 Section 48(3) requires an estimate of the rent for which the property might reasonably be expected to let at the valuation date, in its actual state and circumstances. The passing rent is strong, direct, property-specific evidence of this statutory test. The Tribunal therefore attaches substantial weight to the passing rent.

10.6 Although the Appellant's comparisons span multiple categories, they consistently point toward a materially lower NAV range reflective of the subject's true market context. The Tribunal places significance on the fact that the unit has been rented by a children's play-centre operator rather than a conventional office user. Operators in this sector typically occupy industrial or industrial-type premises at modest rents, and their presence in a large first-floor unit within a mixed-use complex is a clear indicator of the absence of meaningful office demand. This pattern of occupation demonstrates that the property competes not in the office market but within a narrow, specialist-use segment with inherently weak demand and constrained rental potential. Taken together with the passing rent, this evidence more reliably represents the level a hypothetical tenant would pay one year with another.

10.7 Tone compliance requires quantitative demonstration through verified comparables, consistent parameters and a logical relationship between NAVs (properties in equivalent use or in an analogous use that could be deemed to have functional equivalence). The Respondent's NAV comparisons originate from significantly different commercial environments. They reflect locations with stronger demand, smaller lot sizes and contrary uses including retail / take-away use, better accessibility, and potentially lower vacancy rates. The scale in terms of size are non-comparable. These factors severely limit their relevance creating an impossible analytical framework. The valuation does not align logically, evidentially or methodologically with the characteristics and circumstances pertaining to the Property.

10.8 The Tribunal is satisfied that the Appellant has demonstrated, through clear, property-specific and market-based evidence, that the hypothetical rent required to sustain the Respondent's valuation of €54,000 cannot reasonably be supported at the valuation date. This evidence dislodges the Respondent's position and establishes that such a rent is inconsistent with the statutory test under section 48(3), thereby undermining the foundation of the Respondent's proposed NAV.

**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 €26,000, as follows:

<b>Size</b>	<b>NAV per sq. m</b>	<b>Total NAV</b>	<b>Rounded NAV</b>
720.95	€36.00	€25,954.20	€26,000

**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.