

Appeal No: VA23/5/0152

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

J & G ELECTRICAL (TRALEE) LTD T/A WALSH BROS

APPELLANT

and

TAILTE ÉIREANN

RESPONDENT

In relation to the valuation of

Property No. 57035, Retail (Shops) at J & G Electrical (Tralee) Ltd 85 Main Street, Castleisland, County Kerry.

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 8TH DAY OF MAY 2026**

BEFORE

Brian Meldon FCSI, FRICS, Reg Val, Arb

Member

1. THE APPEAL

1.1 By Notice of Appeal received on the 9th 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 €43,700.

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

(b) Details stated in the relevant Valuation List are incorrect

WE ARE RATED AS A RETAIL WAREHOUSE WHICH IS INCORRECT AS OUR PLANNING PERMISSION STATES THAT THIS IS ONLY A SHOP.

1. WE HAVE NO ENTRANCE FROM THE MAIN STREET ONLY A SIDE ENTRANCE FROM UNDER THE ARCH.

2. WE ARE IN A SMALL TOWN WITH A VERY LIMITED FOOT FALL AND A SMALL TURN OVER AND IT IS FINALLY VERY DIFFICULT TO SUSTAIN BUSINESS.”

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €20,000.

2. RE-VALUATION HISTORY

2.1 On the 23rd 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 €83,000.

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 of the Property was reduced to €43,700.

2.3 A Final Valuation Certificate issued on the 15th day of September 2023 stating a valuation of €43,700.

2.4 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 subject property is located at 85 Main Street, Castleisland, County Kerry, within the established commercial area of the town.

4.3 The property comprises a mixed-use commercial premises incorporating retail display space, showroom accommodation, office space and storage areas.

4.4 The property is accessed from Main Street via a covered archway leading to the main entrance and benefits from display frontage visible from the principal thoroughfare.

4.5 The property also benefits from secondary vehicular access from Old Chapel Lane to the rear and includes off-street parking facilities serving the premises.

4.6 The total floor area of the property is approximately 921.34 square metres, comprising showroom, office and storage accommodation.

4.7 The property includes substantial storage accommodation to the rear of the showroom and is used for the retail display and sale of household and electrical goods.

4.8 The property is in reasonable condition throughout.

4.9 The property has been valued within the category of retail warehouse/showroom accommodation.

5. ISSUES

The issues in dispute between the parties are as follows:

- Whether the Net Annual Value of the Property is excessive.
- Whether the Property has been correctly categorised as retail warehouse/showroom accommodation.
- Whether the nature of the access to the Property materially affects its valuation.
- Whether the valuation proposed by the Appellant in the sum of €20,000 is supported by relevant evidence.

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 contends that the valuation of the Property is excessive and that the Net Annual Value should be reduced to €20,000.

7.2 The Appellant submits that the Property has been incorrectly categorised as a retail warehouse and states that the planning permission indicates that the Property should be classified as a shop.

7.3 The Appellant further submits that the Property does not have a direct entrance from Main Street and is accessed only via a side entrance beneath an archway.

7.4 The Appellant states that the Property is located in a small town with limited footfall and that economic conditions have adversely affected trading performance.

7.5 No rental evidence, comparable property evidence or valuation calculations were provided by the Appellant in support of the proposed valuation of €20,000.

8. RESPONDENT'S CASE

8.1 The Respondent submits that the valuation of the subject property has been carried out in accordance with the provisions of the Valuation Act 2001, as amended, and reflects the Net Annual Value of the property having regard to comparable properties within the Kerry County Council rating authority area.

8.2 The Respondent states that the subject property benefits from access from Main Street via a covered archway and includes visible display frontage to the principal thoroughfare. The property also benefits from secondary vehicular access and a substantial rear car park which enhances customer access and operational functionality.

8.3 The Respondent submits that the property has been valued having regard to its size, layout and functional use, which most closely resemble retail warehouse/showroom accommodation.

8.4 The Respondent provided evidence of comparable properties and rental transactions which demonstrate that the applied valuation rate reflects the level of value attributed to similar properties within the locality.

8.5 The Respondent applied an adjusted rate of €65 per square metre, representing a reduction from standard retail warehouse levels in order to reflect the characteristics and location of the subject property.

8.6 The Respondent calculated the Net Annual Value of the property by applying the adjusted rates to the respective areas of accommodation within the property.

Use	Floor Area (sq.m)	Rate €/sq.m	NAV €
Office	23.53	€65	€1,529.45
Retail Zone A	1.84	€150	€276.00
Showroom	522.30	€65	€33,949.50
Store (small)	3.60	€27	€97.20
Store (rear)	370.07	€14	€5,181.00
Total NAV			€41,033.15
Rounded NAV			€41,030

8.7 The Respondent submitted that the applied rates reflect appropriate adjustments to account for the subject property's characteristics, including its access arrangements, location and overall configuration.

8.8 The Respondent therefore concluded that the correct Net Annual Value of the Property is €41,030.

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 practicable, 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 Kerry County Council.

10.2 The Tribunal finds that the Property benefits from access from Main Street via a covered archway and includes visible frontage to the principal commercial thoroughfare.

10.3 The Tribunal is satisfied that the classification of the Property as retail warehouse/showroom accommodation is appropriate having regard to its size, layout and functional use.

10.4 The Tribunal notes that the Appellant did not provide any rental evidence, comparable property evidence or valuation calculations to support the proposed valuation of €20,000.

10.5 The Tribunal accepts the Respondent's evidence that the valuation has been determined having regard to comparable properties and appropriate adjustments reflecting the characteristics of the subject property.

10.6 The Tribunal accepts the Respondent's calculation of the Net Annual Value, which applies adjusted rates to the respective areas of accommodation and results in a Net Annual Value of €41,030.

10.7 Having considered all of the evidence; the Tribunal is satisfied that the revised Net Annual Value of €41,030 represents a fair and equitable valuation relative to comparable properties within the Kerry County Council rating authority area.

DETERMINATION:

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent and determines that the Net Annual Value of the Property shall be entered in the valuation list in the sum of **€41,030**.

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.