

Appeal No: VA23/5/0155

**AN BINSE LUACHÁLA
VALUATION TRIBUNAL**

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

PAUDIE COMMANE

APPELLANT

and

TAILTE ÉIREANN

RESPONDENT

**In relation to the valuation of
Property No. 72057 at 83 Rock Street, Tralee, County Kerry.**

B E F O R E

Ms Fiona McLafferty – Solicitor

Member

**JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 15TH DAY OF APRIL 2026**

1. APPEAL

1.1 By Notice of Appeal received on 9th October 2023 the Appellant appealed against the determination of the Respondent pursuant to which the net annual value (NAV) of the above relevant Property was fixed in the sum of €11,990.

1.2 The ground of appeal 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 Valuation Act 2001 (as amended) because: *“The valuation is too high. An increase of 170% is unsustainable. There is no hope of achieving a Net Annual Value of €11,990 on the rental market in Tralee.”* The Notice of Appeal further states *“Location of shop, lack of parking, condition of property - needs refurbishment, similar properties in Tralee have a lower cost per sq.m on rental market, four commercial properties on Rock Street are currently for sale - they are likely to be converted to private rental accommodation, thereby reducing the variety of shops on the street, accountant's report shows that I made €2,900 profit*

in 2022. If I have to pay an increase of €1,715.25 - profit would be reduced to €1,184.75 - unsustainable to remain in business.”

1.3 In the Notice of Appeal, the Appellant considers that the valuation of the Property ought to have been determined in the sum of €6,500.

2. RE-VALUATION HISTORY

2.1 On 25th May 2023 a proposed valuation certificate for the Property issued under section 24(1) of the Valuation Act 2001 (as amended) and was sent to the Appellant indicating a valuation of €13,260.

2.2 Being dissatisfied with the proposed valuation, representations were made to the Respondent in relation to the valuation. Following consideration of those representations, the valuation of the Property was reduced to €11,990.

2.3 A final Valuation Certificate issued on 15th September 2023 stating a valuation of €11,990.

2.4 The date by reference to which the value of the Property, the subject of this appeal, was determined is 1st 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 Rules of the Tribunal, the parties exchanged their respective documents and submitted them to the Tribunal.

4. ISSUES

4.1 The issue in the appeal is the quantum of the valuation of the Property. The Appellant requests the Tribunal to determine the NAV in the sum of €6,500. The Respondent requests the Tribunal to determine the NAV in the sum of €11,990.

5. FACTS

5.1 The following findings of fact are made:

5.2 The Property is a mid-terrace two-storey building located at 83 Rock Street, Tralee, Co. Kerry. The Property is held freehold. The ground floor is in use as a bookshop. The upper floor is in use as residential. The total floor area of the ground floor is 47.48 m², comprising the bookshop at 33.51 m² and the store at 13.97 m².

6. RELEVANT STATUTORY PROVISIONS

6.1 All references to a section of the Valuation Act 2001 ('the Act') refer to that section as amended, extended, modified or re-enacted by the Valuation (Amendment) Act 2015.

6.2 The net annual value of the Property has to be determined in accordance with section 48(1) of the Act which provides:

“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.”

6.3 Section 48(3) of the Act provides the following meaning of '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.”

6.4 Section 20(1) of the Act provides:

“A valuation order shall specify one date by reference to which the value of every relevant property, the subject of the valuation mentioned in the order, shall be determined.”

6.5 Section 19(5) of the Act 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 (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.”

6.6 Section 37(4) of the Act provides:

“For the avoidance of doubt, neither subsection (1)(a) or (2)(b)(ii) (so far as it relates to section 19(5)) nor section 19(5) shall require the Tribunal to achieve the determination of the value of a property concerned by reference to any particular method of valuation and the Tribunal may arrive at its determination by reference to whatever method of valuation or combination of methods of valuation as the Tribunal, in its discretion, may deem appropriate.”

7. APPELLANT’S CASE

7.1 In the documents delivered by the Appellant it is stated that the subject Property is an old building in need of refurbishment and that the Property is situated on a side street such that footfall has decreased in recent years. The Appellant further states that there is limited parking available at the Property as it is on-street parking with only fifteen minutes free parking available to customers. He also makes reference to overzealous traffic wardens. The Appellant refers to newspaper articles which he states describe the high unoccupancy levels of shop premises in Tralee. The Appellant states that four commercial units are for sale in the surrounding location of the Property which he states may possibly be converted to rental

accommodation, thereby reducing the variety of shops at the location. He makes reference to being unable to compete with charity shops offering books for sale at lower prices and that his business would not be sustainable if he was paying rent (he owns the Property). The Appellant states that his bookshop provides an outlet for mainly elderly neighbours to have social interaction to improve their mental wellbeing and is an asset to the community. The Appellant provided a notice from Kerry County Council headed ‘Temporary Closing of Roads’ in which ‘Rock Street’ is included in the list of proposed roads being closed to public traffic for the period from 8.00 a.m. on Monday 20 October 2025 to 8.00 a.m. on Monday 19 October 2026. The Appellant states that this closure will have a detrimental effect on his business.

7.2 The Appellant submits that a NAV of €11,990 is not attainable for a small shop on Rock Street in Tralee. He states that this equates to rent of €230 per week, which he submits would not be achieved as the shop area of 33.51 sq.m is too small to achieve a rental income of that amount in view of its location and condition. The Appellant states that a proposed rate of €2,721.73 equates to €52.35 per week. He states that the cost per sq.m of the bookshop including the store, which measures at 47.48 sq.m, would be €252.52 per year (calculated as NAV of €11,990 divided by 47.48) and the cost per sq.m of the bookshop excluding the store, which measures at 33.51 sq.m, would be €357.80 per year (calculated as NAV of €11,990 divided by 33.51). The Appellant submits that these are significantly higher than the following:

| | | |
|----|------------------------------|---------------------------|
| 1. | 4 Lower Rock Street, Tralee | €5.95 per sq.m per year |
| 2. | 50 Upper Rock Street, Tralee | €128 per sq.m per year |
| 3. | 1 Ashe Street, Tralee | €106 per sq.m per year |
| 4. | 5 Abbeycourt, Tralee | €162 per sq.m per year |
| 5. | John Street, Dingle | €139 per sq.m per year |
| 6. | Main Street, Listowel | €116.48 per sq.m per year |
| 7. | New Street, Caherciveen | €96.84 per sq.m per year |
| 8. | William Street, Listowel | €141.96 per sq.m per year |
| 9. | Church Street, Listowel | €90 per sq.m per year |

7.3. The Appellant provided the following information on commercial leases which he states he extracted from the Property Services Regulatory Authority as at August 2025:

| | | |
|----|---|---------------------------|
| 1. | 22/04/2024 - Retail Shop, 8 Ashe Street, Tralee | €180 per sq.m per year |
| 2. | 07/05/2024 - Retail Unit 4, Pier 17 Dingle Road, Tralee | €110 per sq.m per year |
| 3. | 14/06/2024 -Unit 6 NCR, Tralee | €231.88 per sq.m per year |
| 4. | 22/01/2025 - 11 Abbey Street, Tralee | €75.61 per sq.m per year |
| 5. | 17/02/2025 - Upper Rock Street, Tralee | €55.91 per sq.m per year |

7.4 The Appellant provided the following information on retail premises for lease which he states he extracted from a website – daft.ie – as at August 2025:

| | | |
|-----|--------------------------------|---------------------------|
| 1. | Main Street, Ballybunion | €123.70 per sq.m per year |
| 2. | Main Street, Listowel | €116.48 per sq.m per year |
| 3. | St Brendan's Terrace, Listowel | €98.40 per sq.m per year |
| 4. | Main Street, Ballyheigue | €82.38 per sq.m per year |
| 5. | The Square, Killorglin | €114.92 per sq.m per year |
| 6. | Abbeycourt/Denny Lane, Tralee | €116.67 per sq.m per year |
| 7. | 1-4 Russell Street, Tralee | €90.76 per sq.m per year |
| 8. | Monavalley, Tralee | €256.07 per sq.m per year |
| 9. | 9 The Mall, Tralee | €189.87 per sq.m per year |
| 10. | 9 New Street, Killarney | €150.76 per sq.m per year |

7.5 In all the circumstances, the Appellant submits that the valuation of the Property should be amended.

8. RESPONDENT'S CASE

8.1 The précis of evidence on behalf of the Respondent was given by Maria Breukers. Ms Breukers states that revaluation refers to the process whereby the valuation of every relevant property in a particular rating authority area is updated by reference to one specified date. She submitted that revaluation brings greater equity, uniformity, fairness and transparency into the local authority rating system, resulting in more equitable distribution of the commercial rates burden among ratepayers.

8.2 Ms Breukers states that the subject Property was inspected and her précis included both internal and external photographs of the Property. She states the Property was in reasonable condition throughout.

8.3 In response to the submissions made by the Appellant, Ms Breukers states that as the Property is capable of beneficial occupation it is rated in accordance with the Act. She states that the Property has been valued in line with comparable properties in the same location and in accordance with the statutory requirements contained in section 48 of the Act. Ms Breukers refers to the process of revaluation as requiring the collation and analysis of available market evidence to develop schemes of valuation. She states that this evidence is obtained from a variety of sources, including directly from occupiers, from a database of stamp duty information retained by the Revenue Commissioners and from the commercial lease register administered by the Property Services Regulatory Authority. In relation to the information produced by the Appellant regarding other properties (at paragraph 7.2 above), Ms Breukers states that it was difficult to verify the information provided, and she gave the example of 4 Lower Rock Street, Tralee which she states is situated in the same location as the subject Property and has been valued as 'Retail Zone A' at €380 per sq.m. She further states that the properties located in different towns – such as Dingle, Listowel and Cahersiveen – would have a different scheme of valuation for 'Retail Zone A' applied. In relation to the rental market data produced by the Appellant (at paragraphs 7.3 and 7.4 above), Ms Breukers states that it was difficult to verify the information and, in any event, the valuation date is 1st February 2022.

8.4 Ms Breukers submits that the valuation of the Property was conducted according to the provisions of the Act. She further submits that the value of the Property was determined by reference to the values of other properties comparable to the Property appearing on the valuation list in the same rating authority area as the Property, in accordance with correctness of value, equity and uniformity. The estimate of the NAV is what a hypothetical tenant would pay in rent on the terms set out in section 48 of the Act, which is not necessarily what any particular tenant is paying. Ms Breukers submits that the actual rent for a property may be material in deriving an estimate of the NAV but is not conclusive.

8.5 Ms Breukers states that it is the collection of data on net effective rents (NER) that provides the basis for developing a scheme of valuation to be applied to properties sharing similar characteristics. She states that the scheme of valuation for most classes of property are

expressed in terms of €/sq.m. Ms Breukers states that the application of the scheme is only the starting point and that following application of the scheme NAVs, if there are any relevant individual considerations in relation to a property, relative to that class of property, further adjustments may be made to the NAV of that property.

8.6 Ms Breukers provided relevant market data in the form of three key rental transactions and also produced three comparisons of other properties on the valuation list. Details of the three key rental transactions produced by the Respondent are set out in Appendix A (N/A to public). Details of the three comparisons produced by the Respondent are set out in Appendix B (N/A to public). The précis of evidence of the Respondent included photographs of the properties and their location relative to the Property. In relation to the key rental transactions, Ms Breukers provided a comparative analysis of the NER and NAV in each transaction, and commented that the NER was higher than the NAV applied. She further commented that the analysis of the rental evidence supported the scheme NAVs. In relation to the comparisons, the précis also provided information on the characteristics of the comparable properties.

8.7 Ms Breukers submits that having investigated the particulars of the appeal, and having considered the grounds of appeal and the evidence of the Appellant, and having regard to the market data and comparable properties, the opinion of the Respondent is that the correct NAV of the Property is €11,990, calculated as follows:

| | Floor Area (sq.m) | NAV per sq.m | NAV |
|-------------------------|-------------------|--------------|------------|
| Level 0 – Retail Zone A | 33.51 | €380 | €12,733.80 |
| Level 0 – Store | 13.97 | €38 | €530.86 |
| 10% Reduction | -10% | €380 | -€1,273.38 |
| Total NAV (rounded) | | | €11,990 |

8.8 In conclusion, Ms Breukers submits that the Property has been valued in accordance with section 48 and section 19(5) of the Act. She submits that the Property is valued at ‘Retail Zone A’ which in the scheme of valuation is ascribed a NAV of €380 per sq.m. This value has been applied to comparable properties in the same location as the Property. In all the circumstances, the Respondent submits that a valuation of €11,990 should be entered in the valuation list as representing the NAV of the Property.

9. FINDINGS AND CONCLUSIONS

9.1 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 Kerry County Council.

9.2 Section 35 of the Act provides that the appeal from the Appellant must specify the grounds on which the Appellant considers that the NAV determined by the Respondent is incorrect and the value the Appellant considers ought to have been determined as the NAV. It is recognised that the onus of proof in appeals before the Tribunal rests with the Appellant.

9.3 The NAV of the Property means the rent which the Property might, in its actual state, be reasonably expected to let from year to year on the terms set out in section 48(3) of the Act. The rent is measured on a hypothetical tenancy of the Property and not by reference to the actual occupancy circumstances of the existing operator. There are different methods of valuation designed to assist in determining the NAV. The objective of the valuation exercise is to achieve correctness, and equity and uniformity of value between properties on the valuation list. Multiple factors can influence valuation and no single factor is conclusive. All the characteristics of a property have to be evaluated and assessed against comparable properties. This involves an exercise in relativity regarding the physical nature, age, location and quality of the property as well as market characteristics for same. The date by reference to which the value of a property is to be determined is the specified valuation date.

9.4 The valuation assessments applied in the comparison properties of Ms Breukers are based on the adoption of the Respondent's scheme of valuation. The Respondent states in the précis of evidence *'It is important to note that the application of the scheme is only the starting point. Following application of the scheme values if there are any relevant individual considerations in relation to the subject property, relative to that group, further adjustments may be made to the subject property's estimate'*. The Tribunal considers that the strict application of a scheme of valuation may give rise to uniformity, but the statutory requirement also refers to equity and further, that correctness of value should not be sacrificed to ensure uniformity. Comparison 3 (Property No. 72055) produced by the Respondent is in the same location as the subject Property and similar in floor area at 53.30 sq.m, but has graduated rating

levels applied – Retail Zone A at €380 per sq.m, Retail Zone B at €190 per sq.m (which is a rate of 50% of Retail Zone A), Retail Zone C at €95 per sq.m (which is a rate of 25% of Retail Zone A) and Retail Zone Remainder at €47.50 per sq.m (which is a rate of 12.5% of Retail Zone A). Similarly, Comparison 1 (Property No. 2184324) produced by the Respondent is in the same location with a floor area of 68.82 sq.m but also has graduated rating levels applied – Retail Zone A at €380 per sq.m, Retail Zone B at €190 per sq.m (which is a rate of 50% of Retail Zone A), Retail Zone C at €95 per sq.m (which is a rate of 25% of Retail Zone A) and Office at €38 per sq.m (which is a rate of 10% of Retail Zone A). It is further noted that the floor area on which Retail Zone A was applied in the comparison properties was 16.61 sq.m in Comparison 1 (Property No. 2184324), 22.38 sq.m in Comparison 2 (Property No. 72062) and 18.85 sq.m in Comparison 3 (Property No. 72055). The Respondent has applied a reduction of 10% to the scheme of valuation rate of Retail Zone A in determining the NAV of the subject Property, which is described in the précis of evidence as ‘*for the frontage to depth ratio*’.

9.5 Having examined the particulars of the Property and the maps and photographs provided in evaluating and assessing all the characteristics of the Property and the comparable properties, and having regard to the physical nature, age, location and quality of the subject Property, together with the relevant market data, the Tribunal considers that when one stands back and looks at the scheme of valuation relative to the NAV of the subject Property, that adjustments are necessary to accord with the requirements of section 19(5) of the Act.

DETERMINATION

Accordingly, for the above reasons, the Tribunal allows the appeal in part and amends the net annual value of the Property in the valuation certificate to €10,080, determined as follows:

| | Floor Area (sq.m) | NAV per sq.m | NAV |
|-------------------------|-------------------|--------------|------------|
| Level 0 – Retail Zone A | 33.51 | €380 | €12,733.80 |
| Level 0 – Store | 13.97 | €38 | €530.86 |
| Allowance | -25% | €380 | -€3,183.45 |
| Total NAV (rounded) | | | €10,080 |

RIGHT OF APPEAL

In accordance with section 39 of the Valuation Act 2001 any party who is dissatisfied with the Determination of the Tribunal 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 Determination of the Tribunal 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.