

**Appeal No: VA23/5/1070**

**AN BINSE LUACHÁLA  
VALUATION TRIBUNAL**

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

**MICHEAL FERRITER T/A C&F PHARMACY**

**APPELLANT**

**AND**

**TAILTE EIREANN**

**RESPONDENT**

**In relation to the valuation of  
Property No. 2177756, Retail (Shops) at Market Place, Ennis, County Clare.**

**JUDGMENT OF THE VALUATION TRIBUNAL  
ISSUED ON THE 9<sup>TH</sup> DAY OF APRIL 2026**

**BEFORE:**

**Frank O’Grady - MA, FSCSI, FRICS**

**Member**

**1. THE APPEAL**

1.1 By Notice of Appeal received on the 19th 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 €17,910.

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: *Other grounds*

*The layout of the shop is now completely changed. The shop size is over half the size it used to be. Structural changes and change of business required these changes.*

1.3 The Appellant considers that the valuation of the Property ought to have been determined in the sum of €8,920.

## **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 €17,910.

2.2 A Final Valuation Certificate issued on the 15th day of September 2023 stating a valuation of €17,910

2.3 The date by reference to which the value of the Property, the subject of this appeal, was determined is 01<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 located on Market Street just off Market Place in the centre of Ennis town.

4.3 Ennis is the principal town of Co. Clare ( population 27,923 ) situated 15km from Shannon Airport, 30km from Limerick and 50km from Galway.

4.4 The floor areas have been amended and are agreed between the parties.

Retail	117.12 m2	
Ancillary	76.50 m2	
Total net area		193.62 m2.

4.5 The building is in good condition.

4.6 The property is owner occupied and held under leasehold from 2004.

## **5. ISSUES**

5.1 The matter at issue is 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 Mr. Michael Ferriter, a lay appellant did not present any written precis and introduced 2 photos of the subject property showing where the partition was erected and stated that the layout of the shop has changed and that the retail area had been reduced by 50%. He commented that the structural change and change of business required these changes. (Appendix 1, N/A to public).

7.2 Mr. Ferriter is of the opinion that the value of the property should be reduced because of these changes to NAV €8920.

## **8. RESPONDENT’S CASE**

8.1 Ms. Kathy Farrelly of Tailte Eireann ( TE ) for the respondent submitted a detailed precis of evidence with maps and photos.

8.2 Ms. Farrelly gave details of the location, description of the building, condition and title. She stated that the subject was a good shop unit in a 3 storey terraced mixed use building, with office and residential overhead with separate access.

8.3 She stated that the floor areas were agreed and had amended her areas to allow for changes on the ground floor. The unit included shop, office area and staff w.c. extending to 193.62 m<sup>2</sup>.

8.4 Ms Farrelly stated that this was a Revision Case in accordance with Section 48 of the Valuation Act 2001 as amended and the NAV is what a hypothetical tenant would pay by way of rates for the subject property.

8.5 To assist her case 1 Key Rental Transaction ( KRT ) and 4 NAV comparisons were introduced (Appendix 2, N/A to public).

KRT 1	PN 1210092	NAV €33,900
	Abbey Street, Ennis, Co. Clare	
Ground Floor Shop	191.63 m2	Rent €31,000 pax
	Zone A	40.26 m2 @ €450 / m2
	Zone B	42.09 m2 @ €225 / m2
	Zone C	7.14 m2 @ €112.50 / m2

Lease dated Oct 2021. Property approx. 300m from subject

NAV 1	PN 2177757	NAV €26,600
	Market St., Ennis, Co. Clare	
Total Floor Area	268.54 m2	
	Zone A	46.16 m2 @ €220 / m2
	Zone B	41.23 m2 @ €110 / m2
	Zone C	31.11 m2 @ €55 / m2

Located on same street as subject, all ground floor valued as retail.

NAV 2	PN 2177755	NAV €20,400
	Lower Market St., Ennis, Co. Clare	
Total Floor Area	247.09 m2	
	Zone A	25.59 m2 @ €220 / m2
	Zone B	35.14 m2 @ €110 / m2
	Zone C	43.92 m2 @ €55 / m2
	Remainder	19.44 m2 @ €27.50 / m2

Located close to subject, all ground floor valued as retail.

NAV 3	PN 1209962	NAV €18,400
	Wood Quay, Ennis, Co. Clare	
Total Floor Area	153.25 m2	
	Zone A	59.59 m2 @ €220 / m2
	Zone B	36.80 m2 @ €110 / m2
	Office	56.86 m2 @ €22 / m2

Located 150m from the subject.

NAV 4	PN 1209835	NAV €19,260
Merchants Square, Ennis, Co. Clare		
Total Floor Area	160.93 m2	
	Zone A	56.12 m2 @ €220 / m2
	Zone B	43.01 m2 @ €110 / m2
	Zone C	25.01 m2 @ €55 / m2
	Store	36.79 m2 @ €22 / m2

Located approx. 200m from subject.

8.6 The Respondent stated that the onus of proof rested with the Appellant and no evidence was provided to show that the Commissioner had erred in preparing the valuation.

8.7 Ms. Farrelly stated that the subject was valued “relative to the value of other similarly circumstanced properties comparable to the property on the Valuation List in the rating authority area” in accordance with correctness of value, equity and uniformity.

8.8 She stated that the Appellant had provided no evidence where an allowance has been given for the erection of a demountable perspex partition and that the property must be valued as retail in accordance with Section 19 (5) of the Valuation Act 2001 as amended and emerging Tone of the List.

8.9 Ms Farrelly stated that having investigated all the particulars of the appeal and considered both the evidence and grounds of appeal that the NAV of €17,130 is correct after making allowances for the change in floor areas.

## **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 Clare County Council.

10.2 Mr. Ferriter as a lay appellant is of the opinion that the assessment is excessive and due to the fact that he erected a partition that reduced the retail area by 50% the NAV should be reduced to €8920. No comparable evidence to support this opinion of value was put forward.

10.3 The Respondent offered one KRT and 4 NAVs as listed in the appendix (N/A to public) which were of similar circumstanced retail outlets in the centre of Ennis and part of the established Tone of the List.

10.4 The Respondent has stated that the erection of a partition does not change the designation of a property. It is the Tribunals view that a material change in circumstances (MCC) is required to alter the categorisation of any relevant property.

10.5 The onus of proof for evidence is the Appellants responsibility for both the MCC and valuation and no such information was supplied.

10.6 The principal of NAV valuations is what a hypothetical tenant would pay by way of rent for the subject property having regard to the Tone of the List and the Respondent has clearly demonstrated the levels operating in the Ennis area to the satisfaction of the Tribunal.

10.7 The Tribunal can only make decisions based on the information before it and where no reliable evidence is presented the Tribunals hands are tied.

#### **DETERMINATION:**

Accordingly, for the above reasons, the Tribunal disallows the appeal and confirms the decision of the Respondent and the valuation of the Property as amended to €17,130.

Retail Zone A	39.04 sq.m.	@	€220/sq.m.
Retail Zone B	39.04 sq.m.	@	€110/sq.m.
Retail Zone C	39.04 sq.m.	@	€ 55/sq.m.
Remainder	76.50 sq.m.	@	€27.50/sq.m.

TOTAL NAV €17,130

#### **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.

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