



An
Bord
Pleanála

Inspector's Report ABP-316644-23

Type of Appeal	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
Location	Newcourt, Ballymahon Road, Athlone, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	WM-C49-RZLT-2
Appellant(s)	Hugh & Bríd Heaton
Inspector	Paul O'Brien

1.0 Site Location and Description

1.1. The subject site is located to the north of the centre of Athlone, Co. Westmeath. The irregular shaped site is located to the north west of the R915 – Ballymahon Road. Road frontage onto a local road is also available to the north of the site. The site contains a large house and a gate lodge, and there is extensive tree cover on site. A prominent stone wall forms the boundary along the public road.

2.0 Zoning and Other Provisions

2.1. The site is within the ‘Development Plan Boundary’ of the Athlone Town Development Plan 2014 – 2020. The subject site is zoned for ‘Proposed Residential’.

3.0 Planning History

3.1. None.

4.0 Submission to the Local Authority

4.1. The appellant made a submission to the Local Authority seeking to have it’s lands removed from the draft map on the basis that the land contains two houses and they are provided with a large curtilage to ensure that the size, style and history of the houses are suitably protected.

5.0 Determination by the Local Authority

5.1. The Local Authority determined that the site was in scope. The site is suitably zoned for residential development.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The site contains a large house and a gate lodge. The site is suitably sized to protect the character and setting of the large house.
- The house, gate lodge and entrance gates are listed on the National Inventory of Architectural Heritage (NIAH).
- Significant works would be required to provide for a suitable access for the development of these lands. Such works would negatively impact on the character of the houses/ the subject site.
- There are no proposals to develop these lands and no planning applications have been made for such development.
- Wish to retain the site as is in the interest of the character of the site and the area.
- The landowner has not sought for the site to be zoned for residential use.
- There is a significant amount of development of housing ongoing in the Athlone area.
- There is a significant amount of investment in services required to facilitate future development in the Athlone area.
- The inclusion of the site on the RZLT maps is causing upset and stress.

6.2. Planning Authority Response

- No comment.

7.0 Assessment

- 7.1. The comments raised in the appeal are noted. The site is zoned for residential development and can be serviced by roads and water/ drainage.
- 7.2. As reported by the Planning Authority, the site is located within the Athlone Town Development Plan 2014 – 2020 area. This plan has been replaced by the Westmeath County Development Plan 2021 – 2027, and which does not provide for any specific zoning for this part of Athlone. Athlone does not currently have a local area plan. This means that the site is not zoned and is therefore not available for inclusion on the Residential Zoned Land Tax maps.

7.3. I therefore consider that the site should be omitted from the map as the site is not suitably zoned, for inclusion on the Residential Land Tax Maps.

8.0 Recommendation

8.1. I recommend that the board set aside the determination of the Local Authority and allow the appeal.

9.0 Reasons and Considerations

9.1. The site does not currently have an active zoning as the Athlone Town Development Plan ceased to function in 2020 and has not been replaced with a new plan or included for zoning as part of the Westmeath Town Development Plan 2021 – 2027. Therefore, the site does not satisfy the criterion for inclusion on the map set out in section 653B(c) of the Taxes Consolidation Act 1997, as amended.

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Paul O'Brien
Planning Inspector

30th May 2023