



An  
Bord  
Pleanála

## Inspector's Report ABP-316739-23

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<b>Type of Appeal</b>	Appeal under section 653J(1) of the Taxes Consolidation Act 1997, as amended, against the inclusion of land on the Residential Zoned Land Tax
<b>Location</b>	Killycard, Milehill Road, Castleblayney, County Monaghan
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	DMS30
<b>Appellant(s)</b>	Jason Hughes
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject lands, consist of an irregular shaped site located to the north of the Killycard Manor road, to the west of Castleblayney town centre, Co. Monaghan. The site consists of a number of fields that are under grass/ in agricultural use, and which are divided by hedgerows.
- 1.2. The adjoining lands are in similar agricultural uses/ under grass. Residential development is located towards the east.

## 2.0 Zoning and Other Provisions

- 2.1. The site is located within the Castleblayney Town Settlement Envelope, forming part of the Monaghan County Development Plan 2019 – 2025. The site is zoned 'Strategic Residential Reserve' with an objective 'To protect lands that are considered strategic in location for future residential development.'

Under the description the following is stated:

'Principal permitted use is residential. The comprehensive development of these lands will only be permitted in instances whereby 75% of the proposed residential lands have been developed. Any development which would prejudice the principle use of these lands for urban residential expansion in the future will be resisted.

Single houses for landowners or their immediate family members will be considered on these lands provided that they do not compromise the overall objective of comprehensively developing the lands for sustainable urban housing in the future.

Justification for a dwelling in this instance will have to be demonstrated by the applicant including documentation to show that the landholding has been in family ownership for at least 5 years. In such cases the applicant will be required to demonstrate by way of an overall plan for the development of the lands, how the proposed development would not adversely affect the comprehensive development of the lands in the future.'

## 3.0 Planning History

There are no recent, relevant, valid applications on these lands.

## **4.0 Submission to the Local Authority**

- 4.1. The appellant made a submission to the Local Authority seeking to have their lands removed from the draft map on the basis that part of the lands are required for agricultural use and the rest may be developed. 15 acres are required for agriculture and the remaining lands are stated to be 2 acres.
- 4.2. The lands are not suitably serviced for residential development.
- 4.3. Queries the zoning objective that applies to this site and how the lands were zoned for residential development.

## **5.0 Determination by the Local Authority**

- 5.1. The Local Authority determined that the site was in scope. Suitable services are available to enable the development of this land and the zoning allows for residential development. The lands can be serviced without having to cross third party lands.
- 5.2. The request to rezone lands is not a function of this process and may be addressed at a later stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The following points were made in support of the appeal:

- The lands are required for agricultural purposes and wishes to continue to farm 15 acres of these lands, the remaining 2 acres may be developed for residential use.
- The Strategic Residential Reserve does not allow for the development of these lands over the lifetime of the development plan. Objects to the inability to be able to develop these lands at this time.

### **6.2. Planning Authority Response**

- No further comment.

## **7.0 Assessment**

- 7.1. The comments raised in the appeal are noted and the report of the Planning Authority with supporting reports are noted.
- 7.2. The Strategic Residential Reserve zoning does allow for development in the case that 75% of proposed residential lands are developed. I have no information on what percentage of the lands in Castleblayney are developed but the wording of the zoning is such that it does not prevent suitable development over the lifetime of the development plan.
- 7.3. The suggested rezoning of lands is not a function of this process and may be addressed with the Planning Authority.

## **8.0 Recommendation**

- 8.1. I recommend that the board accept the determination of the Local Authority and that the indicated lands be included on the maps.

## **9.0 Reasons and Considerations**

- 9.1. The appellant requested that their site be removed from the map due to the fact that the lands cannot be developed due to their Strategic Residential Reserve zoning, and due to a lack of services to facilitate the development of these lands.
- 9.2. The lands are assessed in accordance with the details provided in the appeal. The zoning of these lands allows for residential development subject to compliance with requirements set out in the Monaghan Development Plan 2019 – 2025, and no reason has been provided as to why they cannot be serviced for such development.

I confirm that the report represents my profession 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.

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Paul O'Brien  
Planning Inspector

21<sup>st</sup> August 2023