



An
Bord
Pleanála

Inspector's Report ABP-316791-23

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	Drumbanagher, Glaslough, County Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS32
Appellant(s)	Jeremy Herron & Bronwyn Gillease
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject lands, of approximately 0.05 hectares consist of a shed/ agricultural building located towards the centre of Glaslough, Co. Monaghan. There is a two-storey house attached to the south and which appears to be vacant. The site is located within a yard, and which provided an access to Castle Leslie Riding Club.
- 1.2. As stated, the site is located within the urban centre of Glaslough village, and which primarily consist of residential units. Castel Leslie is located approximately 400 m to the north east.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Glaslough 'Proposed Development Limit forming part of the Monaghan County Development Plan 2019 – 2025. The lands within the development boundary are not zoned for different land uses.

- 2.2. Section 9.19 Tier 4 Settlements of the plan states:

'Ballinode, Emyvale, Glaslough, Inniskeen, Newbliss, Rockcorry, Scotshouse, Scotstown, Smithborough, Threemilehouse. The village envelopes are based on the existing established footprint with the aim to consolidate existing development and promote the regeneration of existing derelict and/or vacant sites. Lands are not zoned for specific uses within the village plans in order to provide for a less restrictive approach to the suitable expansion and growth of the villages. Notwithstanding this, development constraints may exist which include protected structures, protected monuments and flood risk areas. Residential development within the village envelope will be considered on its merits in terms of quantum, location and in accordance with the relevant polices set out in this Plan including the Core Strategy. Section 15.7.8 and Policy RDP5 as set out in the Development Management Chapter is open to consideration in those Tier 4 settlements which have capacity in their public foul drainage systems. Otherwise, permitted development within these settlements will be on the basis of individual wastewater treatment systems, on minimum site areas of 0.2 hectares (0.5 acres). This is considered necessary in order to protect the environment and preserve a degree of consistency in design and scale.'

3.0 Planning History

There are no recent, relevant, valid applications on this site.

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 the lands were in use for keeping chickens for personal use and other pets, it was proposed to pay the Local Property Tax (LPT) on the house and there is an issue over the right of way to the front of the site.
- 4.2. Queries the vacant status of the site. The house was refurbished with heating and electricity provided.

5.0 Determination by the Local Authority

- 5.1. The Local Authority determined that the site was in scope. The structures on site were unoccupied at the time of determination by the Planning Authority. The Planning Authority report that the decision to keep the lands on the map may be addressed with the Revenue Commissioners.

6.0 The Appeal

6.1. Grounds of Appeal

The following points were made in support of the appeal:

- The Planning Authority did not consider the fact that the house here was recently purchased and refurbished. They intend registering the house for LPT by November 2023.
- The sheds on site are renovated and are in use for egg production and other domestic related uses.
- The access at the front of the property is a right of way to part of the Castle Leslie property and restricts the development potential of the site.

Supporting documents and photographs are provided.

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 Tier 4 Settlements in County Monaghan, as per the Monaghan County Development Plan 2019 – 2025, ‘..are not zoned for specific uses within the village plans..’. Section 653B of the act provides a list of criteria of which lands should be:
- (a)(i) ‘solely or primarily for residential use, or
- (a)(ii) for a mixture of uses, including residential use,’
- 7.3. From the details provided in the development plan, there are no specific zonings provided and any type of development that may be considered appropriate would be assessed under the development management process. Residential development is therefore not assigned to any specific parts of the lands within the development limit of Glaslough.
- 7.4. In addition, I wish to add that in any case, this unit may be more appropriately assessed under the LPT process and that is an issue for the Revenue Commissioners to consider.

8.0 **Recommendation**

- 8.1. I recommend that the board reject the determination of the Local Authority and that the indicated lands be removed from 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 were in use for domestic purposes and were restricted by a right of way to the front of the site.

9.2. The lands are assessed in accordance with the details provided in the appeal. The Tier 4 Settlements, including Glaslough, are not zoned for specific uses; therefore, the subject site does not demonstrate compliance with Section 653B. (a)(i) and (ii) in that the lands are not zoned solely or primarily for residential use or for a mixture of uses, including residential use. Development of these lands is assessed within the Development Management Process. In the absence of suitable zoning, the site should not be included on the maps.

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

22nd August 2023