



An
Bord
Pleanála

Inspector's Report ABP-316792-23

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	Magheross Road/ Ardee Road, Carrickmacross, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	DMS12
Appellant(s)	James McNally
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site consists of an irregular shaped site located to the east of the Magheross Road and to the west of the Ardee Road. The site consists of a number of fields with a detached house located towards the western/ centre and the lands are under grass, in agricultural use. Another detached house is located to the north west adjacent to a number of agricultural buildings.
- 1.2. The adjoining lands are in a mix of single house use, and in residential development to the south east in Highfield.

2.0 Zoning and Other Provisions

- 2.1. The site is located within the Carrickmacross Town Settlement Envelope, forming part of the Monaghan County Development Plan 2019 – 2025. The site is zoned 'Proposed Residential A' with an objective 'To provide for new residential development and for new and improved ancillary services' and described as follows:

'Principal permitted land use will be residential. However other uses open for consideration include education, nursing homes, creches, health centres, community facilities, guesthouses provided all such proposals are in keeping with the established built character of the area and do not adversely impact upon the amenity of existing residential properties.

Single houses 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. 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.'

The houses and the areas immediately adjoining them are zoned 'Existing Residential' with an objective 'To protect and enhance existing residential amenities.'

3.0 Planning History

- 3.1. 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 they are in agricultural use, and there is no intention to develop the site for residential uses.

5.0 **Determination by the Local Authority**

5.1. The Local Authority determined that the site was in scope. The use of the lands for agricultural purposes is not a consideration for exclusion from the RZLT maps.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The following points were made in support of the appeal:

- The lands are in active agricultural use. The tax to be paid would be greater than the income derived from these lands.
- There are other lands in the area that would be more suitable for the development of housing than the subject lands.

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 use of lands for agricultural does not allow for an exemption from inclusion on the RZLT maps. The lands adjoin public roads and there is no reason offered as to why the lands cannot be serviced for residential development.

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 these lands are in agricultural use and the Planning Authority consider them suitable for development and should be retained on the maps.

9.2. The zoning of these lands allows for residential development and no reason has been provided as to why they cannot be serviced for such development. The lands as indicated should remain 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

14th August 2023