



An  
Bord  
Pleanála

## Inspector's Report ABP-316832-23

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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>	Tullowphelim, Tullow, Co. Carlow
<b>Planning Authority</b>	Carlow County Council
<b>Planning Authority Reg. Ref.</b>	CLW-C27-19
<b>Appellant(s)</b>	Neville Caldbeck
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site is located to the north of the Shillelagh Road on the eastern side of Tullow, Co. Carlow. The site is rectangular in shape, on a south to north axis and is located to the east of the Park Gate residential development.
- 1.2. The site and the adjoining lands to the north/ east are in agricultural use and are under grass.

## 2.0 Zoning and Other Provisions

- 2.1. The Tullow Local Area Plan 2017 – 2023 is the operative plan for the area and the site is located within the development area of this plan. The site is zoned C1- 'New Residential – Phase 1'. The subject lands are indicated to be within Site 5.
- 2.2. The following refers to the C1 zoning:

'It is an objective of the Council to facilitate significant residential development on a spatially sequential basis with preference afforded to more central sites (1, 2, 3, & 6) in the early years of the plan with the development of more remote greenfield sites on a medium term basis. In this regard:

- Further residential permissions on remote greenfield sites no's 4 and 5 given their outer suburban location will be facilitated only where it can be demonstrated that the development is appropriate on a sequential basis, would comply with the provisions of the Core Strategy and the proper planning and sustainable development of the area'.

- 2.3. The Carlow County Development Plan 2022 – 2028 refers to Tullow and the local area plan and states that a new plan for Tullow will be prepared for 2024.

## 3.0 Planning History

- 3.1. PA Ref. 08/335 refers to an August 2008 decision to grant permission for a residential development of 42 no. residential units and 4 no. serviced sites on this site and all associated site development works. The duration of permission was extended under PA Ref. 14115, such that the permission was extended by five years and to expire on the 26<sup>th</sup> of August 2019.

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

4.1. The appellant made a submission to the Local Authority seeking to have its lands removed from the draft map for the following reasons:

- The planning permission for development on this land has run out.
- The land was offered for sale but was not sold.
- The land is currently farmed as part of the landowners agricultural business.
- Requests that the land be zoned for agricultural uses.

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

5.1. The Local Authority recommended that the site be retained on the maps for the following reasons:

- The site is zoned for residential development.
- It is reasonable to consider that the site can be serviced.
- There is nothing on the land such as contamination, archaeology or historic remains that would prevent the development of the site.
- There are no exemptions for agricultural uses.

## **6.0 The Appeal**

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

- The land is not zoned for Phase 1 residential development and cannot be developed in advance of other lands in the area.
- The site was put up for sale in the past but no suitable offers were made.
- Insufficient infrastructure to service the subject site.
- The lands are currently in agricultural use.

## **7.0 Assessment**

- 7.1. The site is located on lands that are zoned for residential use and there is no indication that they cannot be serviced by necessary infrastructure. Road access is available to the south of the site, with a footpath in place to the front of the boundary and the site is located on the existing urban edge of Tullow.
- 7.2. I note the comments regarding Phase 2 lands. The site is actually within Phase 1 lands but these lands are to develop when it is considered appropriate in terms of compliance with the core strategy and in sequential order with other development within the Tullow area.
- 7.3. I also note that planning permission was obtained in the past and subsequently extended. Whilst the landowner may not be able to develop or sell the site, that is a not a concern of this process. The site can be developed, is on residentially zoned land and there is no justification for not including it on the maps.

## **8.0 Recommendation**

- 8.1. I recommend that the board confirm the determination of the Local Authority and that the indicated site be retained on the map.

## **9.0 Reasons and Considerations**

- 9.1. The appellant requested that their site be removed from the map due to its location on Phase 2 lands, there is a deficiency in available infrastructure, and they wish to continue farming these lands. The site is zoned for residential development and a local area plan is in place for the proper development of Tullow.
- 9.2. The site is within an established urban area with services available and no capacity or other reasons have been identified that would prevent the development of these lands for residential purposes. The site does 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 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

12<sup>th</sup> June 2023