



An
Bord
Pleanála

Inspector's Report ABP-316835-23

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

Kildavin, Bunclody Co. Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

CLW-C27-7

Appellant(s)

James Conway – Conway Farms Ltd.

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains two fields located to the eastern side of the R724, Kildavin, Co. Carlow. The site contains an almost rectangular shaped field (landowner labels as 1-A), except for a small portion to the north, which forms part of a private amenity space associated with a detached house and an irregular shaped site to the east (landowner labels as 1-B) which forms part of a larger field. Both fields are in agricultural use.
- 1.2. The site is located towards the centre of Kildavin, however development on adjoining sites primarily consists of agricultural uses and detached houses to the north west of the site. Kildavin New Cemetery is also located to the north of the subject site/ lands that form Site 1-B.

2.0 Zoning and Other Provisions

- 2.1. The Carlow Development Plan 2022 – 2028 includes Kildavin in Chapter 15 'Larger Serviced Villages' and is one of the eight referenced settlements with populations between 200 and 466, though the population of Kildavin is given as 186 in the 2016 Census, it has a function such that it is considered appropriate to be designated as a larger serviced village. The site/ both fields are located within the designated Kildavin Village Boundary.
- 2.2. The field to the west of the site/ east of the public road is zoned 'Village Expansion Area' except for a small section to the south east and which is zoned 'Existing/ Infill Residential'. The other field is zoned 'Existing/ Infill Residential', though a section through the north is zoned 'Community/ Education' adjacent to 'Kildavin New Cemetery'. The 'Village Expansion Area' zoning includes 'Dwelling' under the 'Permitted In Principle Uses'.

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 its lands removed from the draft map for the following reasons:

- The land is currently farmed as part of the landowner's agricultural business.
- The lands may be required for further expansion of the landowners dairy farming business.
- The development of site 1-B is dependent on the development of site 1-A and 1-B will remain landlocked unless the western side is developed first.
- The development plan proposes an additional 15 units within Kildavin and therefore there is no need for the development of these lands.

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 and that there is capacity in the relevant networks to serve the site.
- 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.
- It is recommended that section of Site 1-A and 1-B that is zoned 'Existing/ Infill Residential' be retained on the maps. The section zoned 'Village Expansion Area' is to be omitted.

6.0 The Appeal

6.1. Grounds of Appeal

- The lands form part of an active farm and cannot be considered to be idle/ vacant.
- There is no proposal to develop these lands over the life of the development plan.
- Issue over site 1-B been landlocked if site 1-A is not developed first.
- Developing the site would adversely affect Kildavin House, which is a protected structure.

7.0 Assessment

- 7.1. The site is located on lands that are zoned for development that includes residential use and there is no indication that they cannot be serviced by necessary infrastructure. Road access is available to the west of the site, and which is provided with public lighting.
- 7.2. The Planning Authority have excluded the section of land zoned 'Village Expansion Area' and only the sections zoned 'Existing/ Infill Residential' are to be included.
- 7.3. There is no exemption from the RZLT for lands in agricultural use, therefore the lands as mapped by the Planning Authority should remain on the RZLT maps. There is no indication that the development of these lands would impact on the setting/ character of Kildavin House.

8.0 Recommendation

- 8.1. I recommend that the board include the lands that form Sites 1-A and 1-B on the RZLT maps, and which are zoned 'Existing/ Infill Residential'.

9.0 Reasons and Considerations

- 9.1. The appellant requested that their lands be removed from the RZLT maps as they required the lands for their farming business.
- 9.2. The site is within a designated 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 that is zoned for 'Existing/ Infill Residential' 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.

Paul O'Brien
Planning Inspector

15th June 2023