



An  
Bord  
Pleanála

## Inspector's Report ABP-318739-23

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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>	Holmpatrick, Skerries, Co. Dublin.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	RZLT081/22
<b>Appellant(s)</b>	Alison Ryan
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site contains an irregular shaped area of land located to the east of the R128 Skerries to Rush Road, to the south of Skerries in north Co. Dublin. The site area is given as 2.98 hectares and access is via an agricultural gate and short laneway to the subject lands. The lands are in agricultural use. There is a row of single-storey semi-detached houses, known as Hacketstown Cottages, between the main section of the subject site and the public road. To the south/ south east is Ballyhavil Lane which provides access to the agricultural lands adjoining the subject site.

## 2.0 Zoning and Other Provisions

- 2.1. The subject site is zoned RS – Residential – ‘Provide for residential development and protect and improve residential amenity’ in the Fingal Development Plan 2023 - 2029. The site is not within the development boundary of Skerries. The cottages along the road are within the Holmpatrick Rural Cluster as is the access to the site.
- 2.2. DU005-199 refers to an enclosure listed on the National Monuments Service register and indicated on the Fingal Development Plan maps, located to the eastern side of the subject site.
- 2.3. There is an objective to preserve views along this section of the R128 Skerries to Rush road. The site is located within lands designated as a ‘Highly Sensitive Landscape’.

## 3.0 Planning History

- 3.1. **PA Ref. FW22A/0187** refers to a decision by Fingal County Council to refuse permission for 18 houses and all associated site works. This decision is currently under appeal – **ABP Ref. 313944-22** refers.
- 3.2. **PA Ref. F16A/0085/ ABP Ref. 247928** refers to a September 2017 decision to refuse permission for the construction of 24 no. houses, two-storey hotel and all associated site works. An E.I.S. was submitted with the application. Reasons for refusal included the development was contrary to the OS – Open Space zoning that

applied to part of the site and the development would have a negative impact on the highly sensitive landscape here.

**Note:** There is a long planning history associated with this site and other applications are listed in the submitted documentation.

#### **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 on the basis that:

- There is an active planning application for the development of this site.
- The RS zoning was confirmed by the elected members of Fingal County Council during the preparation of the Fingal Development Plan 2023 – 2029. Ministerial support has been indicated for the development of these lands.
- They consider that the subject lands are suitable for development, however they have failed to get planning permission for the development of these lands.
- The lands are not inactive residentially zoned lands in the context of what this act attempts to address.

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

5.1. The Local Authority determined that the site was in scope and should remain on the map. The land is serviced, or it is reasonable to consider that it can be serviced. There are no physical condition reasons or reasons due to contamination/ presence of archaeology etc. that would prevent the development of these lands. The existing non-residential uses on the land do not benefit from the exclusions that are set out in the guidelines under Section 653B(c).

#### **6.0 The Appeal**

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

The following comments were made:

- Refers to the history of the site and the refusals of permission.

- They consider that the subject lands are suitable for development, however they have failed to get planning permission for the development of these lands.
- Reference is made to an inquiry into the planning history of these lands, with An Board Pleanála.
- A Planning Application has been made for development of part of their lands.

## 6.2. Planning Authority Observation

No comments made.

## 7.0 Assessment

- 7.1. The site is suitably zoned for residential use, and it can be serviced by road and water services, no issues of capacity constraint were identified. There is no indication that there are any physical constraints preventing the development of housing on these lands and the use of the lands at present does not allow for benefit from the exclusions outlined in Section 653B(c), of the guidelines.
- 7.2. The appellant refers to the planning history of the site and their attempts to develop these lands over a long period of time. This is noted; however, the lands have not been developed to date and there is no certainty that they will be developed at any time. From the planning history, and I refer to PA Ref. F16A/0085/ ABP Ref. 247928, the nature of the site was somewhat different in terms of zoning/ requirements for a masterplan. The planning situation has been simplified in that the site is zoned for residential use and the development of the site only requires a planning permission and is not dependent on the preparation of a masterplan etc.
- 7.3. I therefore consider that the site should remain on the map in accordance with the recommendation of the Planning Authority.

## 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 a history of planning refusals related to the zoning/ site status. The lands are now zoned for residential use, therefore allowing for the development of housing on these lands.
- 9.2. The site is within an established urban area, zoned RS – Residential use in accordance with the Fingal Development Plan 2023 – 2029, 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 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.

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Paul O'Brien  
Inspectorate

18<sup>th</sup> January 2024