



An
Coimisiún
Pleanála

Inspector's Report

ACP-324041-26

Development	Compulsory Acquisition of Land
Location	Moffett's Lane, Hacketstown, Co. Carlow, R93WR58
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	
Applicant(s)	Carlow County Council
Type of Application	Compulsory Purchase Order under the provisions of the Local Government (No. 2) Act 1960, the Housing Act 1966 (as amended), the Roads Act 1993 (as amended) and the Planning and Development Act 2000 (as amended).
Appellant(s)	Patrick Murphy
Date of Site Inspection	1 st May 2026
Inspector	Ciara McGuinness

1.0 Introduction

- 1.1. Carlow County Council is seeking confirmation by the Commission of a Compulsory Purchase Order (CPO), No. CPOH -VH0229-2025, of Moffett's Lane, Hacketstown, Co. Carlow, R93WR58.
- 1.2. The CPO relates to the compulsory purchase of a house and site at Moffett's Lane Hacketstown, Co. Carlow, R93WR58. The order was made pursuant to section 76 of the Housing Act, 1966 and the Third Schedule thereto (as amended by the Planning and Development Act, 2000, as amended).
- 1.3. The Commission received a single objection to the CPO from the landowner Patrick Murphy. This report considers the issues in the objection submitted to the Commission and more generally the application to acquire the property.
- 1.4. According to the documentation submitted with the application, the purpose of the CPO is to acquire the property for the purposes of the renovation of the dwelling unit, that will be used as a social housing unit.

2.0 Site Location and Description

- 2.1. The property is an established residential development comprising a semi-detached dwelling house and 0.013ha of land. The site is located within the village centre, close to key community services and facilities. A service station adjoins the site to the west.
- 2.2. The house on site is a two-storey dwelling fronting directly onto the public road with land to the side and rear of the house. At the time of my site inspection, I found that while the house appeared unkept, the structure itself was in adequate condition. The house is semi-detached with the adjoining house also in a similar condition, although I note the adjoining property has recently been re-roofed. The interior was not available for inspection at the time of the site visit.

3.0 Application of the CPO

- 3.1. The application is accompanied by the following documents.
 - Cover Letter dated 13th of January 2026, outlining contents of the application;

- Chief Executive Order dated 12th December 2025
- Original CPO order signed and sealed by the Interim Chief Executive and nominated member dated 12th December 2025.
- CPO Map signed and sealed
- Newspaper Notice – The Nationalist, dated the 16th December 2025
- Notification letters sent to the landowner
- Report from Nicola Lawler, Town Regeneration Officer, dated the 12th December 2025.
- Report from Tadgh Madden, A/Senior Executive Officer, Housing, dated 20th November 2025.

4.0 Planning History

None.

5.0 Policy Context

5.1 Carlow County Development Plan 2022-2028

5.1.1. The Carlow County Development Plan 2022-2028 is the current development plan operating in this area. This plan came into effect on the 4th of July 2022.

5.1.2. Hacketstown is identified as a small town. A plan for Hackettstown is set out in Section 15.3.5 of the Development Plan.

5.1.3. The site is zoned Existing/Infill Residential:

Objective: To protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services.

5.1.4. Relevant Policies include;

CS. O6: Actively promote the redevelopment and renewal of areas in need of regeneration through appropriate active land management measures including availing of statutory powers under the Derelict Sites Act, Housing Act, Vacant Site

Levy and supporting implementation of the Residential Zoned Land Tax together with other statutory provisions to actively promote regeneration of urban and rural areas within the County.

CS. O12: Promote measures to reduce vacancy and the underuse of existing building stock and support initiatives that promote the reuse, refurbishment and retrofitting of existing buildings within urban centres and targeted settlements in the county.

RA. O1: Encourage and facilitate the appropriate development of sites and areas in need of development and renewal in order to prevent:

- Adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land
- Urban blight or decay
- Anti-social behaviour, or
- A shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses

HT. P4: Promote and support the use of previously developed brownfield, infill, derelict and backland sites in Hacketstown, including the redevelopment of existing sites and buildings, and to continue to identify regeneration opportunities in the town during the lifetime of this Plan.

HT. P12: Seek to encourage and facilitate where appropriate the re-use and regeneration of derelict, vacant and underutilised property in the town centre for residential purposes.

5.2. National Policy

Delivering Homes, Building Communities 2025-2030 : An Action Plan on Housing Supply and Targeting Homelessness.

- 5.2.1. Delivering Homes, Building Communities aims to build on this recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. Reaching the housing 300,000 target will only be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies (AHBs), the Land Development Agency (LDA) and the construction sector, will be critical to delivering and enabling the delivery of the

quantum of homes needed over the lifetime of the plan. The Compulsory Purchase Order (CPO) Activation Programme is noted as an important mechanism within the Plan. Launched in April 2023, the CPO Activation Programme supports local authorities to use their powers to compulsorily purchase vacant and derelict properties, especially when voluntary engagement with owners has failed.

6.0 The Objection

6.1. The commission received a single objection in relation to the CPO from Patrick Murphy. The objector is a pensioner and purchased the property with the intention to live in the village in his senior years. It is stated that repair works have been ongoing at the property, with the objector hoping to move into the property in the near future. The objector considers it necessary to live in the village having regard to a history of health issues and potential reoccurrence, which may in turn effect his ability to drive in the future.

7.0 The Assessment

7.1. My assessment of the proposed CPO considers the issues raised in the written objection submitted to the Commission and the general principles to be applied in assessing CPOs of this nature. Accordingly, for the Commission to confirm the CPO, it must be satisfied that the following criteria have been met:

- There is a community need that is to be met by the acquisition of the lands in question.
- The project proposed and the associated acquisition of lands is suitable to meet the community need.
- The works to be carried out should accord with, or at least not be in material contravention of, the policy and objectives contained in the statutory development plan relating to the area.
- Any alternatives proposed to meet the community need have been considered but are not demonstrably preferable.
- The extent of land-take should have due regard to the issue of proportionality.

7.2. Community Need

- 7.2.1. The community need for the acquisition was set out by Carlow County Council in the documentation submitted with the Compulsory Purchase Order (CPO).
- 7.2.2. Carlow County Council have stated in the submitted documentation that there is a considerable gross housing need of 14 in Hacketstown and surrounding area and the council Housing Delivery Action Plan currently requires more units to meet demand and targets. While the Housing Delivery Action Plan includes some small-scale developments, these will not be sufficient to meet the growing demand for housing, particularly in rural and village locations such as Hacketstown. The submitted documentation also states that the repurposing of this vacant unit at this location would enhance the village and provide an excellent location for a 'family-type' accommodation.
- 7.2.3. The local authority has stated that once acquired the Housing Department will develop the property under Social Housing Investment Programme (SHIP) funding.
- 7.2.4. The house is a semi-detached house in the heart of the village. While the house would benefit from some improvement work, I consider that at the time of site inspection the house is not derelict nor an eyesore.
- 7.2.5. The local authority has noted that the dwelling has been vacant for a considerable period of time, with the initial contact letter issuing to the owner on 6th July 2023. The objector has not disputed that the house has been vacant for a number of years, but has noted that repair works have been ongoing, and the objector intends to move into the property soon.
- 7.2.6. Having reviewed the information submitted, I am satisfied that there is a need for the local authority to address the housing list as it stands and to reduce the levels of vacancy in the county. I am therefore satisfied that Carlow County Council have demonstrated a clear and pressing community need that would be met by the project and would be facilitated by the acquisition of rights over the lands in question, should the Commission consider it appropriate to confirm the CPO.

7.3. Suitability of the Lands

- 7.3.1. The dwelling is located on lands that are zoned 'Existing Residential' and in an established urban-residential area.
- 7.3.2. The site is adjacent to Hacketstown centre and is located within walking distance of the many amenities and facilities in the village. The refurbishment of this property would provide a family house in an area with high demand for such properties. Carlow County Council consider the house to be viable and suitable for refurbishment.
- 7.3.3. I consider that the subject property, having regard to its central location, could be refurbished, and put back into fulltime residential use. Having regard to all of the above, I am satisfied that in principle, the house is suitable for reuse.

7.4. Compliance with Planning Policy

- 7.4.1. The site is zoned for 'Existing/Infill Residential' use and as there is a house on site, the use of these lands is in accordance with the zoning objective.
- 7.4.2. The repurposing of the property for residential use would comply with policy HT.P12 of the Development Plan as it would contribute facilitate where appropriate the re-use and regeneration of derelict, vacant and underutilised property in the Hacketstown town centre for residential purposes. The repurposing of the property for residential use would also comply with policies CS06 and CS012 of the Carlow County Development Plan 2022-2028.
- 7.4.3. Having regard to all of the above, I am satisfied that that the proposed development is substantially in compliance with Development Plan policies and objectives.

7.5. Consideration of Alternatives

- 7.5.1. No alternatives were considered by the Planning Authority due to the nature of the case of bringing vacant properties back into use. The stated alternative given in the correspondence was that the Council could assist the owner to bring the property back into use with the provision of grants and that Carlow County Council were interested in buying the property themselves.

7.5.2. I acknowledge that the Council proposed alternatives to the CPO process and as no progress has been made, the CPO process was initiated.

7.6. Proportionality and Necessity for the Level of Acquisition Proposed.

7.6.1. The objectors case relies on personal circumstances. The objector has noted that repair work has been ongoing at the house and that it is his intention to live in the property.

7.6.2. I consider that relatively minor cosmetic works would significantly improve the appearance of this property. Whilst it may be a vacant property, I would not consider it to be an eyesore.

7.6.3. As I have already outlined, Carlow County Council properly followed all procedures and demonstrate that the CPO is appropriate. The issue of proportionality is therefore critical, and the question arises whether the order would have an excessive or disproportionate effect on the interests of the affected persons. I consider that it would. While the home has been vacant for a number of years, the objector is keenly aware of his need to live in a village centre during his senior years, and it is the intention of the owner to live in the property in the short-term following repair works.

7.6.4. I note that Carlow County Council suggested to the property owner that the Council could assist the owner to bring the property back into use with the provision of grants. As noted in the cover letter from the council, the property owner has been in regular contact with the council since the CPO process has been initiated.

7.6.5. Whilst the market value for the property may be significant, it cannot be certain in this case that the received money would adequately compensate for the loss of this property. I therefore consider that the CPO would have a disproportionate impact on the property owner.

8.0 Conclusion

8.1. Having regard to all of the above, I am satisfied that Carlow County Council have demonstrated a need for the acquisition of the property at Moffett's Lane, Hacketstown, Carlow and that the house is necessary to assist in meeting the needs of the Housing List. The acquisition of this house is on the basis of the vacancy/

under use of this property. However, the objector has outlined that it is his intention to live in the house. The objector recognises that they will have a need to live in the village in their senior years and is undertaking repair works to make the house liveable. I note from my site visit that the house is in adequate condition, and I consider that relatively minor cosmetic works would significantly improve the appearance of this property. The compulsory purchase of this property would have a disproportionate impact on the property owner, which may not be offset by financial compensation.

9.0 Recommendation

9.1.1. I recommend that the Commission ANNUL the above Compulsory Purchase Order based on the reasons and considerations set out below

10.0 Reasons and Considerations

Having considered the objection made to the compulsory purchase order and not withdrawn, the purpose for which the lands are to be acquired as set out in the compulsory purchase order and also having regard to the following;

- The purpose of the compulsory acquisition of Moffett's Lane, Hacketstown, Carlow, R93 WR58 for refurbishment of this house, to address vacancy and the acute housing need,
- The identified need for housing nationally, in County Carlow and Hacketstown
- The suitability of the lands for use as social housing.
- The policies and objectives of the Carlow County Development Plan 2022-2028,
- The personal circumstances of the landowner, and the intention of the property owner to live in the village centre property following repair works.
- The constitutional and Convention protection afforded to property rights,

It is considered that, the acquisition by the Local Authority of the property in question, as set out in the order and on the deposited map, would result in an excessive and disproportionate impact on the property owner.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Ciara McGuinness
Planning Inspector

7th May 2026