



An
Bord
Pleanála

Inspector's Report ABP-305304-19.

Development	Construction of a detached dwelling house, garage, waste water treatment system together with all associated site works.
Location	Lisduff, Longford, County Longford.
Planning Authority	Longford County Council.
Planning Authority Reg. Ref.	19169.
Applicants	Shane Farrell & Aoife Byrne.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party
Appellants	Shane Farrell & Aoife Byrne.
Observer(s)	None.
Date of Site Inspection	28 th day of November, 2019.
Inspector	P.M. Young.

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1.0 Site Location and Description

- 1.1. The triangular shaped appeal site which has a stated 0.44ha area and is located in the townland of 'Lisduff' c2.2km to the south of the historic heart of Longford town and c0.9km from its defined settlement envelope, in County Longford.
- 1.2. The western boundary of the appeal site bounds the Moydow/Ferefad Road and the southernmost tip of the site bounds this roads junction with a restricted in width and poorly surfaced local road that also bounds the eastern boundary of the site.
- 1.3. While the site is located in what is considered to be a rural locality it is an area that has been subject of a high density of *ad hoc* one-off dwellings that are characteristic and defining feature of the road network in the vicinity of the site.
- 1.4. The site appears to be used as grazing land and there is evidence of it being used as such in recent times. The ground conditions were heavy underfoot and there was an abundance of rushes present throughout the main site area.
- 1.5. The site boundaries include a number of mature trees, in particular on the western boundary of the site which add sylvan character to the junction of the Moydow/Ferefad Road and the local road that bounds the eastern boundary of the site.
- 1.6. The site area in its current form does not benefit from an independent access on to the local road network and access would appear to be via an adjoining parcel of land that bounds part of the northern boundary of the site.
- 1.7. Photographs taken during inspection of the site are attached.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a two-storey dwelling house (GFA of 228m²), detached garage (GFA of 52.65m²), entrance onto the public road, boundary fence/wall, waste water treatment system and all associated site works. The applicant proposes to connect to the public mains water supply and to deal with the surface water drainage by the provision of a soak pits. This application is accompanied by:

- A letter of consent to make this application.

- Supplementary Information – Traffic Projections.
- Site Characterisation Assessment.
- Local Needs Form.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority refused planning permission for the following reasons:

- “1. The Planning Authority is not satisfied that the proposed effluent treatment system in conjunction with previously permitted treatment systems adjoining the site, would not give rise to contaminated effluent entering the ground and/or surface waters at this location and that the proposed development would give rise to the risk of pollution and pose a significant threat to public health, including the health of the occupants of the proposed new dwelling and to the quality of ground and surface waters. The proposed development would, if permitted, therefore be contrary to Policy HOU RUR 7 as designated under Section 3.2.2.1 of the Longford County Development Plan, which aims to protect water quality, and as such would be contrary to the proper planning and sustainable development of the area.*
- 2. It is considered that the proposed development would give to an excessive density of development in an un-serviced rural area, thus resulting in further pressure for community and public services which would be uneconomic to provide and would, if permitted, therefore be contrary to the proper planning and sustainable development of the area.*
- 3. It is the policy of the Council as set out in Section 3.2.2.1 HOU RUR of the Longford County Development Plan 2015-2021 to protect agricultural land and prevent unsustainable speculative urban commuter generated and ribbon development in the rural area. It is considered that the applicant has not demonstrated a rurally generated housing need at this sensitive location and where the proposed development has the potential to impact adversely on the*

area. As such, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision. This report concluded that given the site sensitive location of the site in an area which has been extensively developed and contains a high concentration of septic tanks the proposed development has the potential to give rise to public health and pollution concerns. It also highlights that the Development Plan seeks to protect agricultural land and prevent unsustainable speculative urban commuter generated ribbon development in rural areas.

3.2.2. Other Technical Reports

Area Engineer: No objection.

3.3. Prescribed Bodies

3.3.1. Irish Water: No objection.

3.4. Third Party Observations

3.4.1. Several 3rd Party submissions were received by the Planning Authority during its determination of this application. While I note that one of the submissions puts forward their support of the proposed development the other five submissions raise various objections to the proposed development. The issues raised in these particular submissions can be summarised as follows:

- Potential for the proposed development to adversely impact on the established residential and visual amenities of the area.
- The proposed dwelling is considered to be visually overbearing and out of character with its setting.
- Road safety and traffic hazard concerns.

- Potential of the proposed development to be prejudicial to public health and to the environment.
- The proposed development would exacerbate ribbon development.
- The applicant's compliance with rural settlement provisions are questioned.
- This application is speculative development.
- Concerns are raised whether the garage would be for other uses.
- Concerns are raised that due to the topography and ground conditions of the site that after heavy rainfall water flows/seeps out from the site onto the adjoining roads and neighbouring properties.
- There are over 20 no. dwellings within a radius of 250m of the proposed development dependent on waste water treatment systems.

4.0 Planning History

4.1. Site

- **P.A. Reg. Ref. No. 16/278:** Planning permission was refused for a development consisting of the construction of a 2 No. 2-Storey dwelling houses with detached garages, waste water treatment systems, new entrances onto the public road and associated site works. The stated reasons read:

"1. The proposed development, which, when taken with those existing and permitted in the area, seeks to establish undesirable "Ribbon Development" in a location which lacks the necessary services, would be contrary to the development objectives as stated in HOU RUR 5 of the County Development Plan 2015-2021 as designated under Section 3.2.2.1. The proposed development would contravene materially the development objective indicated in the Development Plan, that ribbon development of one-off housing shall be actively discouraged. The proposed development, is therefore, contrary to the proper planning and sustainable development of the area.

2. The Planning Authority are not satisfied that the proposed development, given it lies in an area with a considerable density of existing development, all of which are dependent on a septic tank method of sewage disposal and its resultant over-

concentration of septic tanks, would not give rise to the risk of pollution of the water course and pose a significant threat to public health, including the health of occupants of the proposed new dwellings and to the quality of ground and surface waters. The proposed development, would, if permitted, therefore be contrary to Policy HOU RUR 7 as designated under Section 3.2.2.1 of the Longford County Development Plan 2015 – 2021, which aims to protect water quality, and as such would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development would give rise to an excessive density of development in an un-serviced rural area, thus resulting in further pressure for community and public services which it would be uneconomic to provide and would, if permitted, therefore be contrary to the proper planning and sustainable development of the area. It is the policy of the Council as set out in Section 3.2.3.1 Policy HOU RUR 3 and CS 12 of the Longford County Development Plan 2015-2021 to protect agricultural land and prevent unsustainable speculative urban commuter generated and ribbon development in the rural area. The development, would therefore, if permitted, by itself or the precedent it would set for similar developments in the vicinity, contravene these objectives, and, as such, would be contrary to the proper planning and sustainable development of the area.

4. It is the policy of the Planning Authority, as set out in ROADS 2 section 5.1.1.1 of the current County Development Plan to provide a road network which is safe and efficient for all road users. The proposed development, and the addition of 2 No. further entrances along this road which is substandard in width would generate additional turning movements and would endanger public safety by reason of traffic hazard or obstruction of road users and would, therefore, contravene this development objective and as such, be contrary to the proper planning and sustainable development of the area.”

4.2. In the Vicinity:

4.2.1. No recent and/or relevant planning history.

5.0 Policy and Context

5.1. National Planning Provisions

- **National Planning Framework – Project Ireland 2040:** National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities. This will also be subject to siting and design considerations.
- **Sustainable Rural Housing Guidelines for Planning Authorities, 2005:** These guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the guidelines also require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and generally be compatible with the protection of water quality, the provision of a safe means of access in relation to road and public safety and the conservation of sensitive areas.

5.2. Local Planning Provisions

5.2.1. Longford County Development Plan, 2015 to 2021.

- Under the said Plan the appeal site is located in a rural area, outside of any designated settlement.
- Policy CS 12 of the said Plan sets out the categories of applicant who shall be considered for the development of housing in the rural area, and states that speculative and sustainable urban generated housing development will be discouraged.
- Policy CS13 of the said Plan states that Policy CS 12 will be strictly applied in the vicinity of Designated Settlements in order to prevent over-proliferation of urban-generated one-off housing in the rural area. It also states that further ribbon development on all approaches to Longford Town shall be discouraged.
- Section 3.2.2 of the said Plan relates to housing in rural areas and Policies HOU RUR 1, 2, 3, 4, 5, 7, 8, 9 and 10 are noted.

- Annex 3 of the said Plan sets out rural design guidance.

5.3. **Natural Heritage Designations**

- This appeal site is located c2.9km to the north east of Special Area of Conservation: Mount Jessop Bay SAC (Site Code: 002202).
- This appeal site is located c4.6km to the south east of Special Area of Conservation: Brown Bog SAC (Site Code: 002346).
- This appeal site is located c6.4km to the south east of Special Protection Area: Ballykenny Fisherstown Bog SPA (Site Code: 004101).
- This appeal site is located c14.4km to the north east of Special Area of Conservation: Lough Ree SAC (Site Code: 000440) and Special Protection Area: Lough Ree SPA (Site Code: 004064).
- This appeal site located c14.6km to the south east of Special Protection Area: Glen Lough (Site Code: 004045).

5.4. **Environmental Impact Assessment/Screening**

- 5.4.1. Having regard to the nature and scale of the development for which planning permission is sought, the significant separation distance between the site and the nearest designated Natura 2000 sites as set out above, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required in this case.

5.5. **Built Heritage**

- 5.5.1. There are two National Monuments located in close proximity to the site. They are:
- 'Rath' (LF00466) which is located c232.8m to the south west of the site.
 - 'Rath' (LF00465) which is located c275.6m to the north east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal submission can be summarised as follows:

- This application is made by a couple seeking to return to Longford and with one of the applicants having long established links with this area including family residing in the area.
- One of the applicants works part time on his grandfather's farm which is located c1.8km from the subject site.
- The proposed site is the most suitable site on the family's landholding.
- The proposed dwelling is setback from surrounding properties to ensure that it would not be visually overbearing and with the slope of the land further helping to integrate the proposed dwelling.
- The proposed entrance would not be located onto the Moydow-Longford Road and as such the impact on this road would be immaterial.
- This application is materially different to that previously sought on this site and is made by different applicants.
- The site is suitable for a septic tank and percolation area.
- The nearest septic tank is located 70m to the east of the site.
- The proposed development would not pose a significant threat to public health.
- The proposed development would result in a minimal burden on the local authority.
- This land is unsuitable for many farming uses.
- The site is being offered to one of the applicants by his aunt which is a financial assistance, there is a need to live close to family and one of the applicant's agricultural work.
- The Board is requested to overturn the Planning Authority's decision.

6.2. Planning Authority Response

6.2.1. None received.

7.0 Assessment

7.1. Overview

7.1.1. I consider the key planning issues relating to the assessment of this appeal case can be considered under the following broad headings:

- Principle of the Proposed Development
- Servicing of the Proposed Dwelling
- Visual Amenity
- Residential Amenity
- Access

7.1.2. I consider these issues in the remainder of my assessment and the matter of 'Appropriate Assessment'.

7.2. Principle of the Proposed Development

7.2.1. As set out in Section 1 of this report this appeal site is located in a rural area c2.2km to the south of the historic heart of Longford town and is in an area where there is a high proliferation of *ad hoc* detached one-off dwellings that align with the local road network. Due to these locational factors and despite the fact that the Development Plan does not appear to map rural areas that are subject to a high level of pressure from this type of development it is appropriate to consider this appeal site and its setting as being located within a rural area under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authorities.

7.2.2. These Guidelines define rural areas under strong urban influence as those within proximity to the immediate environs or close commuting catchment of large cities and towns. It indicates that circumstances for which a genuine housing need might apply include persons who are an intrinsic part of the rural community and persons working full time or part time in rural areas.

- 7.2.3. In addition, Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural dwelling should be based on the demonstratable economic or social need to live in the rural area. This objective requires the applicants in the cases of applications like this current one before the Board to demonstrate an economic or social need to live in the rural area.
- 7.2.4. In relation the Development Plan Policy CS 12 states that speculative and unsustainable urban generated housing development will be discouraged in the rural area and it sets out the following categories of applicant who shall be considered for the development of housing in the rural area:
- Members of farm families, seeking to build on the family farm.
 - Landowners with reasonably sized farm holdings who wish to live on their land.
 - Members of the rural community in the immediate area, this includes returning emigrants or their children with remaining substantial family or community ties, who wish to permanently settle in the area.
 - Persons whose primary full or part-time employment is locally based or who are providing a service to the local community.
- 7.2.5. In addition, Policy CS 13 of the Development Plan states that the Planning Authority shall strictly apply Policy CS 12 in the vicinity of Designated Settlements, which I note Longford is, in order to prevent over-proliferation of urban-generated one-off housing in the rural area and that further ribbon development on all approaches to Longford Town shall be discouraged.
- 7.2.6. Moreover, Policy HOU RUR 1 of the Development Plan indicates that the Planning Authority in their *“assessment of residential development in rural areas shall be guided by the suitability of the area in terms of its sensitivity, its ability to accommodate development in a sustainable manner and compliance with the relevant technical criteria”* and under Policy HOU RUR 3 states that outside designated settlements *“there shall be a presumption against extensive urban generated commuter development, ribbon development, development by persons*

who do not intend to use the dwelling as their primary residence and unsustainable, speculator driven residential units”.

7.2.7. This particular Development Plan Policy requires applicants to submit a statement addressing the following criteria:

a) The reason for the location of the proposed dwelling in a particular locality.

b) The connection or close relationship between the applicant and/or proposed resident and the locality in which the proposed dwelling is to be situated and the criteria outlined in CS 12.

c) The place of employment of the applicant and/or proposed resident where relevant.

d) A demonstration of the ability of the applicant and/or proposed resident to provide, at their own expense, the services required to sustain the proposed development without detrimental impact on road safety, water quality, public health, views and prospects, landscape, environmental integrity and amenity.

7.2.8. In relation to demonstrating compliance with the rural settlement strategy for a dwelling at this location as set out in the policies above I consider that the applicants in this instance have provided little and sparse evidence-based information to support that they meet any of the required criteria. Whilst I accept that they have some indication that they have family links with the area, they have not provided a demonstratable social and/or economic link to live at this particular site and as such I consider that the applicant does not comply with these policies nor do they comply with Policy Objective 19 of the National Planning Framework. I also consider to permit the proposed development would contribute towards the proliferation of ad hoc detached dwellings a rural locality where the visual characters as well intrinsic qualities of rural and urban has been significantly blurred to an extent that it has been detrimental.

7.2.9. Therefore, to permit the proposed development would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. This in my view is reason in itself to substantiate a refusal of planning permission for the development sought under this application.

7.3. Servicing of the Proposed Dwelling – Wastewater Treatment

- 7.3.1. This application is accompanied by a 'Site Characterisation Report' and it indicates this area consists of well drained mineral soil and that the area is designated as a 'Locally Important' (LI) aquifer and is of 'Extreme' Vulnerability. It indicates that the groundwater protection response is 'R2¹', that the site is gently sloping, that the site should be suitable for the safe disposal of effluent, that there are no wells within 200m, and the surface water drain being located over 300m from the site area. In relation to the percolation characteristics, it further indicates that a T-value of 20.31 and an average P-value of 29.75(p₃). I note that these test results meet the requirements of the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses in circumstances where a secondary treatment system with a polishing filter is proposed.
- 7.3.2. This application is not accompanied by detailed technical drawings or specifications of the proposed wastewater treatment system. However, the suite of drawings do show the general location of the site tank and percolation area in the southernmost portion of the site alongside two cross sections one showing generalised specifications of the soil polishing filter on site and the other showing the septic tank, the proposed distribution chamber and the percolation system alongside three soak pits to deal with surface water drainage.
- 7.3.3. However, on the day of my site inspection I observed that the site itself contained abundant reed coverage and that the soil was water logged as well as spongy to walk upon. The adjoining property to the north of the site was similarly waterlogged with abundant moss coverage and spongy underfoot. In addition, neighbouring farmland in the area contained an abundance of reeds and the immediate area whilst benefitting from access to a public water supply contained a significant number of one-off detached dwellings all of which reliant on wastewater treatment systems to deal with the foul water they generate. I also note the 3rd Party submissions on file which clearly show that the area adjoining the site has a propensity for flooding with the OPW Draft Flood Mapping showing areas in the vicinity of the site to the north and south identified as 'Pluvial Indicative 1% AEP (100-yr) event: 26c. In addition, there is a pNHA located c776m to the south east of the site (Derrymore Bog (Site Code: 000447)) and the larger watercourses located to the south and east of the site also identified for pluvial events.

- 7.3.4. Under Objective NHB 1 of the Development Plan it states that it is an objective of the Planning Authority: *“to protect, conserve and enhance the County’s biodiversity and natural heritage. This includes wildlife (flora and fauna), habitats, landscapes and/or landscape features of importance to wildlife or which play a key role in the conservation and management of natural resources such as water”*.
- 7.3.5. In addition, Policy HOU RUR 4 of the County Development Plan clearly sets out the type of development for which permission is sought under this application should be compatible with the protection of water quality in the arrangements for site waste water disposal facilities alongside the conservation of sensitive areas such as natural habitats.
- 7.3.6. Given that the conditions of the site indicate historical poor drainage, with this being particular evident by the abundance of reeds, the sloping nature of the site, the sensitivity of the site’s location particularly having regard to the high density of one-off dwellings served by waste water treatment systems I consider that the proposed development has the potential to give rise to public health concerns in relation to both groundwater and surface water pollution. I also consider that there is a further concern that if the proposed development were permitted that it has the potential to give rise to cumulative adverse impacts on the quality of ground water in this locality.
- 7.3.7. For the above considerations I concur with the Planning Authority in their first stated reason for refusal which considered that the proposed development, if permitted, would be contrary to said Policy HOU RUR 7 of the Development Plan and in turn the objectives for rural development as set out under Section 3.2.2.1 of the Development Plan. Moreover, based on the precautionary approach I consider that this is substantive reason in itself for the proposed development to be refused.

7.4. **Visual Amenity**

- 7.4.1. I have previously raised it as a concern that the immediate locality in which the proposed dwelling is to be sited is a rural landscape whose character and intrinsic qualities have been eroded by an excessive number of one-off dwelling houses and the visual as well physical distinction rural and urban has been essentially eroded to a degree that the public road network in this area particularly heading northwards to the outer fringes of Longford town are no longer clear. In addition, the *ad hoc* nature

of this type of development coinciding with variable qualitative design approaches for has diminished the scenic amenity of this rural area.

7.4.2. Having regard to the site's visibility at a junction with the Moydow/Ferefad Road, despite the number of mature trees that are present on the western boundary of the site, I consider that the proposed development, if permitted, would add to the cumulative adverse impact of this type of development at a location where the Development Plan seeks to maintain the distinction between rural and urban landscapes and to discourage one-off housing extending out along the routes of into settlements like Longford town.

7.4.3. Based on the above considerations, if permitted, the proposed development would be contrary to Policies CS 13, HOU RUR 3 and HOU RUR 5 of the Development Plan.

7.5. **Residential Amenity**

7.5.1. Having regard to the separation distance between the proposed dwelling and existing properties in its vicinity, in particular, the adjoining property to the north which is single storey in its built form which the proposed dwelling would be located c33.5m from its southern boundary, I consider that the proposed development, if permitted, subject to standard safeguards would be unlikely to have any undue adverse impact on the established residential amenities of these properties.

7.6. **Access**

7.6.1. The submitted drawings indicate that access to serve the proposed dwelling would be via a new access onto a local road that adjoins the eastern boundary of the site and would be located in close proximity to two separate access points serving a substantial dwelling and its associated outbuildings on the opposite side of the road.

7.6.2. On the day of my inspection I observed that this local road is extremely restricted in its width, is of a substandard surface, contains no significant roadside verges, the road has a curving alignment to the north with the access being in close proximity to a bend and the proposed access point would be c90m to the local roads junction with the heavily trafficked Moydow/Ferefad Road and an access point serving a parcel of agricultural land. In the vicinity of this junction to the north and south, but particularly to the north there is a significant number of access points serving one-off dwellings.

7.6.3. Whilst I acknowledge that the proposed development is unlikely to generate a high volume of traffic I am not convinced that this local road network has the capacity to absorb the cumulative impacts of *ad hoc* one-off dwellings like this and that such provisions does not compromise their efficiencies as well as the safety of road users having regard to the fact that the speed along this road is not restricted.

7.7. **Appropriate Assessment**

7.7.1. Having regard to modest nature of the proposed development, its location at considerable distance from any European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission is refused.

9.0 **Reasons and Considerations**

1. The subject site is located within an 'area under urban influence' which is an area under significant pressure for rural housing under the Sustainable Rural Housing Guidelines and in the National Planning Framework – Framework Ireland 2040. In relation to the National Planning Framework, National Policy Objective 19 in a manner consistent with the Sustainable Rural Housing Guidelines aims to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area.

It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location.

The proposed development would, if permitted, be contrary to the Ministerial Guidelines and to National Policy Objective 19 of the National Planning

Framework. It would also be contrary to local planning provisions, in particular Section 3.2.2.1, Policies CS 12 and CS 13 of the Longford County Development Plan, 2015 to 2021, and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the rural character of the area, it is considered that the proposed development would militate against the preservation of the rural environment and would conflict with Policy CS 13 Longford County Development Plan, 2015 to 2021, which seeks to prevent over proliferation of urban generated one-off housing in rural areas including further ribbon development on all approaches to Longford town and with Policy HOU RUR 3 which set out a presumption against one-off housing extending from fringes of settlements. These policies are considered reasonable. The proposed development would set an undesirable precedent for further development in an area containing a significant number of one-off houses; a development dependent for access onto a substandard local road and the provision of a proprietary waste water treatment system where there is an over prevalence of such infrastructure and where there is poor drainage characteristics. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by septic tanks in the area. The proposed development, would, therefore, be prejudicial to public health.
4. Having regard to the density of one-off dwellings in the immediate vicinity of the site which are served by individual access points onto the local road network, the proposed access onto a minor road which is seriously substandard in terms of its width, surface, it's the proximity to the junction with the Moydow/Ferefad Road, the curving alignment of this minor road to the north of the site and the presence of two other access points in close proximity to the proposed access point on the opposite side of the minor road, it is considered that the traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

Patricia M. Young

Planning Inspector

18th day of December, 2019.