



An
Bord
Pleanála

Inspector's Report

ABP-307235-20

Development	House, garage, wastewater treatment system and percolation area.
Location	Mote Demesne Td., Co. Roscommon.
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	19/509
Applicant(s)	Laura Mullooly
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Laura Mullooly
Observer(s)	None.
Date of Site Inspection	23 rd June 2020
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Mote Demesne, approximately 4km south of Roscommon town. The site is located in a secluded area, accessed via a narrow private farm access road approximately 400m from the local road. Two existing farm complexes are located along the local road to the northeast and north west of the site.
- 1.2. The site is accessed via a second gateway at the top of the access lane which also provides access to an equine exercise arena and stable building which are located to the immediate east of the site. The site comprises circa 0.87 hectares of agricultural land and forms part of a larger field. The site is bound by a mature treeline to the northern side and a stone wall runs along the eastern boundary, the remainder of the boundaries are open. A forested area exists nearby to the south of the site. The site is well screened from public view and slopes downhill slightly to the north.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following:
 - Construction of a single storey, bungalow type dwelling house with a stated gross floor area (GFA) of 263sqm.
 - Single storey garage of GFA 48sqm.
 - Wastewater treatment system and raised mound percolation area and all associated site development works.
 - It is proposed to obtain a water supply from the public mains.

In addition to the standard planning application documentation and drawings, the application was accompanied by a letter of consent from the landowner (applicant's father) to submit the application, land registry details and correspondence and documentation addressing 'rural-generated housing need', which was subsequently supplemented in response to the Planning Authority's further information request.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

The proposed development is located in a rural area identified as Urban Periphery as set out in Section 5.11 of the Roscommon County Development Plan 2014-2020. The Planning Authority is not satisfied, based on information submitted with this application, that the applicant meets the criteria for a rural generated house for this category area in accordance with the Sustainable Rural Housing Guidelines (including considerations in the context of the provisions of Section 4.3 of the Guidelines). The applicant's case as set out also fails to accord with the criteria set out in Table 5.3 of the Roscommon County Development Plan 2014-2020, and the development proposal is therefore considered contrary to Policy 5.29 of the County Development Plan. The Planning Authority is therefore not satisfied based on information submitted with this application that the development would be in accordance with the proper planning and sustainable development of the area, and additionally considers that the granting of planning permission would set a precedent for further inappropriate development of a similar nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The initial report of the Planning Officer (28th November 2019) required 4 no. points of further information including documentary evidence to show compliance with rural housing policy including the following:

- Demonstrate the applicants generated rural housing need – further details of linkages to rural area, period of previous habitation in that area and identification of place of residence with documentary evidence to support.
- Details of current place of residence within Roscommon town.
- Further details of applicant's involvement in equine activity and details to enable a determination as to if the applicant complies with Category (b) of the

rural generated local housing need category under Table 5.3 of the Development Plan.

- Written consent from the relevant landowner in relation to use by the applicant for the access road to the site.
- Details of all works required to achieve the minimum sight distances of 90m in each direction at the junction of the private access lane with the public road.
- Written consent from the landowner(s) to clarify their commitment to undertake any proposed works in connection with maintaining sightlines etc.

It is noted that the original Planning Officer's (Executive Planner) report (dated 21st November 2019) referred to the site being located within Rural Policy Category Area B – '*Areas Under Urban Influence*' however, this interpretation of the policy was overruled by the Senior Planner who recognised the site as being located under Rural Policy Category Area A – '*Urban Periphery*', it was stated that this determination also reflected the advice given to the applicant at a pre-planning meeting in June 2018.

Further information (received 20th February 2020) included:

- Documents supporting 'Rural Generated Housing Need' including:
 - Evidence of lease of property in Roscommon Town for two-year period (dated January 2020).
 - Letter from local veterinary clinic supporting applicant's requirement for accommodation near where applicant's horses are stabled;
 - Equine premises registration number (dated 2013 at address 54 Hawthorn Drive, Roscommon Town);
 - Equine Coach certificate (dated 2012);
 - First Aid certificate (dated 2014);
- Consent letter from landowner (applicant's father) to use private access roadway to site and for works to his lands required to achieve sightlines.
- Details of access road works.

- Site drawings showing sightlines and letter of consent from neighbouring landowner to carry out works to achieve sightlines.

Following receipt of further information, a decision to refuse permission was issued by the Planning Authority based on the fact that the applicant had not demonstrated compliance with either category (a) or (b) of Table 5.3 (Definition of Urban and Rural Generated Housing Need) of the Roscommon County Development Plan 2014-2020 (as varied).

3.2.2. **Other Technical Reports**

- Environment Section, Roscommon County Council (RCC) – No objection subject to conditions.
- National Roads Design office (NRDO) – Proposed site is not within study area for N61 road project. No further comment.

3.3. **Prescribed Bodies**

- Irish Water – No response received.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

None relevant on site or in nearby area.

5.0 **Policy Context**

5.1. **National Guidance**

5.1.1. National Planning Framework (NPF) – Project Ireland 2040 (2018)

Objective 19 of the National Planning Framework outlines that within areas under urban influence, single housing in the countryside will be facilitated based on the core consideration of a demonstrable economic or social need to live in the rural area.

5.1.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being under strong urban influence, stronger rural areas, structurally weak, or made up of clustered settlement patterns.

Section 4.3 Assessing Housing Circumstances – this section refers to planning authorities assessment of individual applications in rural areas and also the need to recognise cases where exceptional health circumstances may exist.

The appeal site is located in an area under strong urban influence, as set out under Section 5.2 below. In these areas the guidelines advise that the housing needs of the local rural community should be facilitated, but that urban generated housing demand should be met on zoned and serviced land within settlements.

5.1.3. EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009)

This code of practice provides guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses (p.e. less than or equal to 10).

5.2. Roscommon County Development Plan 2014-2020 (as varied)

5.2.1. The policies and objectives of the Roscommon County Development Plan 2014-2020 (as varied) are relevant. The site is outside the area covered by Roscommon Town Local Area Plan 2014-2020.

5.2.2. Of particular relevance to the current appeal are the following sections and policies:

- Section 5.11.3 – Guiding the Appropriate Location of Housing Development in the Countryside

- Section 5.11.4 – Rural Policy Areas – Table 5.4 Policies and Suitability Criteria for Rural Area Types
- Section 5.11.5 – Areas in the Urban Periphery
- Policy 5.29 which states “*prospective applicants seeking new housing development in the countryside shall be required to meet the suitability criteria set out in Table 5.4 of this Plan, for the rural housing policy category area (see map 7), within which the development site is situate.*”
- Policy 5.30 is also relevant and states ‘*Ensure that rural-generated housing need is accommodated in the area in which it arises subject to the definitions and categories identified in Section 5.11.3 and 5.11.4 above and subject to satisfying good planning practice in relation to site location, access and drainage, and design requirements*’.

5.2.3. The Board should note that there appears to be discrepancies in the Plan with regard to map numbering, Map 7 which can be found in Chapter 3 of the Plan refers to ‘*Areas of Economic Activity in County Roscommon*’, what Policy 5.29 would appear to refer to is actually Map No. 12 ‘*Rural Housing Policy*’.

5.2.4. The appeal site, situated outside the development boundaries of Roscommon town, forms part of ‘the countryside’ which is identified within Tier 4 of the county settlement hierarchy. According to Map No. 11 of the CDP the site is located in an ‘Area Under Strong Urban Influence’ as defined by the Sustainable Rural Housing Guidelines for Planning Authorities (2005).

5.2.5. Building on the Guidelines referenced above, the Development Plan sets out three distinct rural area types within Roscommon. Chapter 5 outlines these areas as Categories A, B and C. For the current appeal, the relevant categories for consideration are Categories A and B.

- Category A – Urban Periphery – constitutes a small number of townlands immediately adjacent to the development boundaries of the settlements of Roscommon Town and other larger settlements in the county. These areas can be classed as being under very strong urban influence and within short commuting distance of these settlements. Individual housing development within this area should be reserved for essentially locally generated housing

need. According to Table 5.4 of the Development Plan qualifying persons within this category are those referred to in categories (a) and (b) of Table 5.3.

- Category B – Areas Under Urban Influence - constitutes the south Roscommon countryside which is also strongly influenced by the settlements of Roscommon Town and Athlone. In this context it is considered that these areas be reserved for individual housing development which meets the rural generated housing need criteria set out in the 'Definition of Urban & Rural Generated Housing Need' (See Table 5.3). According to Table 5.4 of the Development Plan qualifying persons within this category are those referred to in categories (a), (b), (c) and (d) in Table 5.3.

5.2.6. Chapter 5 of the plan identifies the site as being in a Category B Area – '*Areas Under Urban Influence – South Roscommon*'. This area constitutes the south Roscommon countryside which is also strongly influenced by the settlements of Roscommon Town and Athlone though to a lesser extent than Category A (*Urban Periphery*). Housing in this rural area is restricted to that which meets a rural housing need as defined by the criteria in Table 5.3 of the plan.

5.2.7. Table 5.3 is split into 4 qualifying criteria for which the applicant is required to match one. In summary the table refers to:

1. those who have lived in the rural area of the county for a large part of their lives,
2. those who work in a rural based activity,
3. those who work in a rural based community service or
4. those who have a significant link to the rural community in which they intend to reside by reason of having lived there for a minimum of 5 years or by long established ties with immediate family members.

5.2.8. With reference to the interpretation of policy by the Senior Planner of Roscommon County Council referenced under Section 3.2.1 above in this report, the Board should note the following policy also:

- Policy 5.32 of the CDP sets out that within the 'urban periphery', individual housing developments will only be facilitated where applicants can substantiate, through documentation, a rural-generated local housing need, based on the qualifying criteria set out in categories (a) and (b) of Table 5.3 of

the Plan. Policies and suitability criteria for rural area types are set out in Table 5.4 of the Plan. Section 5.11.5 includes specific guidance for housing in the urban periphery (Policies 5.29 to 5.36).

5.2.9. The following other sections of the County Development Plan are also relevant in assessing the proposed development on the appeal site:

- Section 7.6 – Landscape Protection;
- Section 9.2 – Wastewater Treatment – All Development Types
- Section 9.38 – Additional Development Management Standards (Traffic Safety & Sight Line Visibility);
- Section 9.5 - Rural Siting and Design;
- Section 9.8 - Rural Residential Considerations.

5.3. **Natural Heritage Designations**

5.3.1. The Ballinturly Turlough SAC is approximately 3.7km west of the site and the Lough Ree SAC is approximately 3.7km to the north east.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A first party appeal has been lodged by the applicant. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Permission on the site would not set any precedent for future similar developments as precedent is already set for this type of development in the area.
- The applicant has visited the Mote Park area with her family since moving to Roscommon in 2000 and feels she has a strong link to the area.
- The applicant's father bought 45 acres of land in 2011 in the Mote townland. The subject site forms part of this landholding.

- One of the principle reasons for requiring a dwelling at this location is to enable the applicant to care for her horses on the family land surrounding the site.
- The applicant states that her father intends to leave the land to her and her children in his will.
- The applicant currently leases a small portion of the land from her father on which she has built an American style barn and small sand arena to care and exercise her horses. She has invested a substantial amount of money on the site over the past 5 years which shows her intention to live and work on the land.
- The applicant currently must commute 7.5km from her current residence in Roscommon Town to the site, some days undertaking this journey several times. This commuting is unsustainable.
- The applicant needs to be close to the horses on the land during the winter months in particular and a dwelling nearby would accommodate their care, as well as enable her to support her father care for his livestock.
- The applicant intends to explore the scope for and viability of breeding horses in the future and for this she would need to live close to the land.
- The applicant currently lives in a house in Roscommon Town which is jointly owned by her and her sister. She has a lease agreement with her sister on this house. The house is currently on the market and she is not in a position to buy her sister out nor would the house be suitable for her family's needs if she could. If the house is sold the applicant states that she and her family will no longer have anywhere to live.
- The applicant has previously suffered with an auto immune condition and she believes that the proposed development would lead to improvements in her health.

6.2. Planning Authority Response

- None.

6.3. Observations

- None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, following an inspection of the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Rural Housing Need
- Design
- Water Supply and Wastewater Treatment
- Access and Traffic Safety
- Appropriate Assessment

7.2. Rural Housing Need

Rural Area Type

- 7.2.1. In order to consider this appeal on a *de novo* basis, I have taken account of all the relevant sections and policies listed in Chapter 5 of the Roscommon Development Plan (as varied) and maps No.11 and 12 as presented in Chapter 5 of the Development Plan. In addition, national guidance contained in both the NPF and the Sustainable Rural Housing Guidelines (2005) has also been taken into account.
- 7.2.2. The Sustainable Rural Housing Guidelines (2005) identify the area in which the subject site is located as an 'Area Under Strong Urban Influence'. According to the guidelines these areas exhibit characteristics such as proximity to the immediate environs or within close commuting catchment of large towns and show evidence of considerable pressure for development of housing due to proximity to such urban areas. The Roscommon Development Plan uses these guidelines to develop the 'Rural Policy Category' areas discussed below.
- 7.2.3. In order to determine which Rural Policy Category the site should be assessed under, both the location of the site and the policy wording were examined. The

subject site is located within the townland of Mote, approximately 4.5km from Roscommon town centre. Under Rural Policy Category A – ‘*Urban Periphery*’, areas which are to be assessed under this policy constitute a small number of townlands ‘immediately adjacent’ to the development boundary of Roscommon Town. The development boundary of the town is shown on Map 12 of the Development Plan. Map 12 also shows the relevant Electoral Divisions within the area surrounding Roscommon town, these Electoral Divisions are then divided into several townlands. The Electoral Division of Mote is separated from the Roscommon town boundary by an area covered by the Roscommon Rural Electoral Division. When examining the townlands that lie within each Electoral Division, it can be seen that the townland of Mote is separated from the Roscommon town boundary (as defined by the Roscommon Town AP Development Envelope shown on Map 12) by several other townlands including Bolinree, Derrydonnell, Ballymarti Beg, Ballymartin More, Ballinagard, Tromaun and Lisbride. Therefore, it can be determined that the townland of Mote is not immediately adjacent to the development boundary of Roscommon Town and therefore the site does not fall under the Rural Policy Category Area A – *Urban Periphery*.

- 7.2.4. According to Chapter 5 of the Development Plan, Rural Policy Category B – ‘*Areas Under Urban Influence*’ constitute areas in the southern Roscommon countryside categorised by a strong pressure for urban generated housing development as well as locally generated housing development. In this context, it is considered that these areas should be reserved for individual housing development which meets the rural generated housing need criteria set out in the ‘Definition of Urban & Rural Generated Housing Need’ under Table 5.3 of the Development Plan. On the basis of the facts presented and in accordance with Map 12 and the description of Rural Policy Category areas given in Chapter 5 of the Development Plan, the site which is located in the townland of Mote is determined as being situated within Category B – *Areas Under Urban Influence*. The appeal shall therefore be assessed under this Category B and the policy that applies to same as outlined under Table 5.3 and 5.4 of the Development Plan (as varied).

Housing Need

- 7.2.5. As indicated above, in accordance with Section 5.11 of the Roscommon County Development Plan 2014-2020, the site is located in ‘Category B – *Areas under*

Urban Influence’ as per Map 12. Policy 5.29 of the Plan requires prospective applicants to, *inter alia*, meet the suitability criteria set out in Table 5.4. Table 5.4 refers to, *inter alia*, the definition of ‘qualifying persons’ as contained within Table 5.3 for Category B areas. The relevant Table 5.3 ‘Definition of Urban and Rural Generated Housing Need’ defines rural-generated housing need, there are 4 qualifying definitions. This table has been copied and is contained in the appendix attached to this report for ease of reference for the Board.

- 7.2.6. The applicant has not demonstrated compliance with parts (a) or (d) of Table 5.3. The applicant moved to Roscommon with her siblings and mother in the year 2000. As part of her Supplementary Planning Application Form she states that she has not lived in the local area where the site is situated for a substantial period of her life, nor is the daughter of someone who has spent a substantial period of their life living in the area.
- 7.2.7. The applicant’s stated occupation is in administration in Vita House in Roscommon Town. She has stated in her Supplementary Planning Application Form that she is engaged in agriculture but has given no evidence of same. She also states that she is engaged in a rural based activity and provides evidence in the form of Equine Premises registration details from the Department of Agriculture, Food and Marine (dated 2013). This form however simply details that the premises adjacent to the proposed site is registered as an equine premises, it does not provide evidence of substantial employment in the area or adequate evidence to suggest that the applicant has a rural generated housing need. Compliance with part (b) of Table 5.3 of the Development Plan cannot be determined based on the evidence submitted.
- 7.2.8. The applicant states that the proposed site is in the ownership of her father, and that he purchased 45 acres in the Mote area in 2011. Her father also owns another farm in Lanesboro. The applicant has stated that one of the principle reasons for wanting to build and live in this rural area is to ensure she can care for her horses. The animals are kept on land near the site which she leases from her father. She currently must travel 7.5km from the house that she leases in Roscommon town to the land and sometimes undertakes this journey several times a day. She has submitted evidence of equine activity and evidence of equine instructor qualifications. She also states that she has invested a substantial sum of money in the adjacent site, building an American style barn and a sand arena for training the

horses. She states that her father intends to leave the land in the area to her and her children as inheritance. The applicant has submitted no evidence in support of taking over ownership or the running of the farm in Mote, nor in engaging in further equine business activity such as breeding of horses, no business plans nor evidence of an intention to start these activities has been submitted. Compliance with part (c) of Table 5.3 has therefore not been shown.

- 7.2.9. There also appears to be conflicting information submitted with the application form and the documents which form the appeal to the Board. The Supplementary Planning Application Form, submitted with the planning application, states that the applicant does not own nor has ever owned any residential property. However, the applicant states in her appeal statement that she currently jointly owns a dwelling in Roscommon Town with her sister. She states that she has a lease agreement on this house and that the house is currently on the market and she is not in a position to buy her sister out. She also states that her current place of residence within the town would not be appropriate for her family's needs moving forward. Evidence of this rental agreement for a four-bedroom dormer bungalow forms part of the documentation on file.
- 7.2.10. Following consideration of all the above, the information submitted at appeal stage and that which was submitted with the application and following receipt of further information, it is still not considered that adequate evidence exists to support the applicant's rural housing need. While it is acknowledged that the applicant has highlighted past health issues, these would not be considered exceptional as is outlined under Section 4.3. of the Sustainable Rural Housing Guidelines (2005).
- 7.2.11. Based on the information submitted with the application and in the grounds of appeal, I am not satisfied that the applicant has demonstrated compliance with Table 5.3 and Table 5.4 and thus fails to comply with Policy 5.29 and Policy 5.30. It is therefore considered that the applicant does not have a genuine rural generated housing need and that the proposal would contravene Section 5.11 and Policy 5.29 of the Development Plan. I would therefore recommend refusal in relation to rural housing policy.

7.3. Design

- 7.3.1. In terms of appearance, the proposed single storey dwelling is contemporary in design with an L shape layout. This is an appropriate design response to the site and is considered acceptable in terms of scale and massing. The proposed dwelling is to be located approximately 400m from the public road, up a private access lane way and is well screened to the north western boundary by an established treeline. A single storey garage is proposed to the immediate southeast of the dwelling house. Overall the design and siting of the dwelling is considered acceptable.

7.4. Access and Traffic Safety

- 7.4.1. The site is to be accessed via a private lane leading southward from the public road. A letter of consent has been submitted from the landowner (applicant's father) stating that he consents to the use of the accessway.
- 7.4.2. As regards the issue of road safety, I note that the public road is lightly trafficked and the additional traffic arising from the proposed development is not likely to give rise to any hazard. The applicant has submitted details (revised site layout at entrance) of proposed works to the entrance, off the public road. Details of landowner consent to allow for new wing wall and also neighbouring landowner consent for maintenance of hedgerow has also been submitted. No details of the proposed new wing wall height or arrangement have been submitted. If the Board are minded to grant the proposal, I would suggest an appropriate condition could be attached to ensure that the proposed new wing wall and entrance arrangements ensure the requisite sightlines are provided.

7.5. Water Supply and Wastewater Treatment

- 7.5.1. In relation to water supply the applicant is proposing to utilise a mains water supply. In relation to wastewater, a Proprietary Wastewater Treatment Plant and Percolation Area (Polishing Filter) is proposed, to be constructed in accordance with EPA Guidelines.
- 7.5.2. The GSI Groundwater maps show that the site is located within an area with an Aquifer Category of 'Regionally Important' (RI) with a vulnerability classification of 'Extreme' (E), representing a GWPR response of R2 (2) under the EPA Code of

Practice. According to the response matrix, on-site treatment systems are acceptable in such areas subject to normal good practice and the following condition:

There is a minimum thickness of 2m unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank system

Or

A secondary treatment system as described in Sections 8 and 9 (of the guidelines) is installed, with a minimum thickness of 0.3m unsaturated soil/subsoil with P/T values from 3 to 75 (in addition to the polishing filter which should be a minimum depth of 0.9m), beneath the invert of the polishing filter (i.e. 1.2m in total for a soil polishing filter).

- 7.5.3. The trial hole assessment submitted by the applicant encountered bedrock at a depth of 1.2m (below ground level) which demonstrates a shallow soil depth on site, requiring the use of raised percolation areas.
- 7.5.4. The site characterisation records a T-test value of 3.5. Only one T-test could be carried out due to the high rock table. The soil type visible in the trial hole is noted as brown and gravelly at top and changing to boulder clay with increased boulder sizes as depth increases. The presence of bedrock at a depth of 1.2m would indicate that the depth of unsaturated subsoil between the base of the proposed percolation trench and the water table is under 1.2m and this would suggest that a raised mound percolation area would be required.
- 7.5.5. The results of the P-test at 4.03 indicate that a wastewater treatment system followed by a raised mound polishing filter would be suitable for this site. A secondary treatment package system pumped to a pressurized raised bed filter is recommended and I would consider this satisfactory.

7.6. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and separation distance to the nearest 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. It is recommended that permission for the proposed development be refused for the reasons and considerations set out hereunder.

9.0 Reasons and Considerations

The site is located in an area categorised as a '*Category B – Areas Under Urban Influence*' as indicated in Section 5.11 '*Housing in the Countryside*' and Map 12 '*Rural Housing Policy*' of the Roscommon County Development Plan 2014-2020 (as varied). As indicated in Policy 5.29, prospective applicants seeking new housing developments in the countryside shall be required to meet the suitability criteria set out in Table 5.4 of the Development Plan, for the rural housing policy category area within which the development site is situate. This policy is considered reasonable. Having regard to the information submitted with the application and in the grounds of appeal, it is not considered that the applicant meets the qualifying requirements in relation to rural-generated housing need in such Category B areas as contained in Table 5.3 of the Development Plan, the applicant therefore fails to meet the criteria of Table 5.4 and thus fails to comply with the said Policy 5.29. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Máire Daly
Planning Inspector

20th July 2020