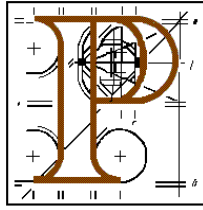


An Bord Pleanála



Inspector's Report

PL20. 245474

DEVELOPMENT: House and sewage treatment system
ADDRESS: Ballylion, Curraghboy, Co. Roscommon

PLANNING APPLICATION

Planning Authority: Roscommon County Council
Planning Authority Reg. No.: 15/139
Applicants: Rachel and Shaun Meehan
Application Type: Permission
Planning Authority Decision: Grant permission

APPEAL

Appellants: Tomás Mc Donnell
Type of Appeal: 3rd party vs. grant
Observers: None
DATE OF SITE INSPECTION: 10th December 2015
INSPECTOR: Stephen J. O'Sullivan

1.0 INTRODUCTION

- 1.1 This report deals with a third party appeal against a decision of Roscommon County Council to grant permission for a house in the countryside.

2.0 SITE

- 2.1 The site is in a rural area c15 km north-west of Athlone and c3km north-west of the village of Curraghboy. Its stated area is 0.92ha. It is a rectangular field under grass. It has frontage of 60m onto a county road whose width, surface condition and alignment are good, although there is a solid white line in front of the site. The roadside boundary of the site is marked by a post and wire fence. There are numerous one-off houses on roadside sites along that road in vicinity of the site, including several across the road. There is also a small house to the rear of the site. Access to the latter house is along an access track that runs for 150m along the eastern side of the site inside its red boundary line.

3.0 PROPOSAL

- 3.1 It is proposed to build a house on the site with a stated floor area of 231m² and a roof height of 6.9m. The house would be set back 100m from the front of the site. It would have a shallow, mono-pitch roof that sloped down towards its front elevation that faces the county road. It would be served by a public water supply and an on-site wastewater treatment system. It is also proposed to build a separate garage of 52m². The access to the house would be from the lane at the side of the site rather than from the county road at the front.

4.0 POLICY

- 4.1 The site is in an area identified as structurally weak in the *Guidelines for Planning Authorities on Sustainable Rural Housing* issued by the minister in 2005. It is just outside the area under strong urban influence around Athlone. IN the former area the guidelines advise that housing demand should be met where it arises subject to general planning considerations including amenity, drainage, heritage and road safety. In the latter 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.
- 4.2 The Roscommon County Development Plan 2014-2020 applies. The settlement at Bellanamullia in the western environs of Athlone is designated as a tier 2 settlement in the plan. Tier 4 encompasses a range of rural settlements of various sizes, the development of which will be promoted as an alternative to the development of one-off housing in the countryside. Chapter 5 of the plan identifies the site as being in a Category B Area, which is one under strong urban influence. This area includes the south of the county between Roscommon and Athlone. Housing in the rural area is restricted to that which meets a rural housing need as defined by the criteria in Table 5.3 of the plan.

That table refers to people who have lived in the rural area of the county for a large part of their lives, who work in a rural based activity, who work in a rural based community service or 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.

5.0 HISTORY

5.1 No previous planning applications on the site were raised by the parties.

6.0 DECISION

6.1 The planning authority decided to grant permission subject to 11 conditions. Condition no. 2 restricted the first occupancy of the house to the applicants or their family members.

7.0 REPORTS TO THE PLANNING AUTHORITY

7.1 Submissions – the appellant made a submission which objected to the proposed development due to flooding of his property.

7.2 Planner's report – This area has a high concentration of housing and has been subject to significant development pressure in recent years, but it retains the characteristics of a rural area. The policy of the planning authority is to restrict the development of houses here. The submitted supplementary application form indicates that the applicants are not family members of the landowner from whom the site is being purchased; they are not engaged in agriculture on the landholding and their address is at Bealanamullia Athlone. One of the applicants has family connections to Curraghboy village having lived there until the age of four. Their son is enrolled in its national school. It is not considered that the applicants meet the criteria for rural housing need set out until the development plan. They live and work in a tier 2 settlement at Athlone and have no discernible links to the immediate vicinity of the site, other than having contracted to purchase it. One of the applicants appears to have resided in the past in Curraghboy village, which is a tier 4 settlement rather than a rural area. Additional details regarding foul drainage are required. The development would not cause an inappropriate flood risk. A refusal of permission was recommended on policy grounds. The planning authority then requested further information from the applicants. The subsequent planner's report stated that the further information indicated that Mrs Meehan's family home was in the suburban area of Bealanamullia Athlone and that she attended school in the town. Her current employment appears to be in based in Athlone and Roscommon town, as well as in other settlements. One of her parents was raised in Curraghboy village in a house now occupied by the Mrs Meehan's uncle, while other members of her extended family live 1.5km to 3.5km from the house. The information does not demonstrate compliance with the criteria for

rural housing need. A refusal of permission was again recommended on policy grounds.

7.3 Senior Planner – The further information shows that one of the applicants was born in Curraghboy and lived there during her early years and that her parents are of local origin. The dwelling is the applicant's first home in the rural community. The development proposal accords with the proper planning and sustainable development of the area. The senior planner granted permission for the proposed development, the authority to do so having been delegated to her by the Chief Executive.

8.0 GROUNDS OF APPEAL

8.1 The grounds of appeal can be summarised as follows –

- The site is in an area identified in the development plan as being under urban influence where policy category B will apply. The proposed development is not justified by a rural housing need according to the criteria set out at section 5.11.1 of the development plan. It would be a non-essential house built on lands for sale. The applicant's family has land in the village of Curraghboy which would be the appropriate place to build.
- The siting and design of the proposed house are not consistent with the established character of the area and it would not blend into the surrounding landscape.
- The appellant's house is subject to flooding due to the run-off of surface water from the public road which is exacerbated by run-off onto that road from the driveways of one-off houses. The house is c700m east of the appeal site.

9.0 RESPONSES

9.1 The planning authority did not respond to the appeal.

9.2 The **applicants'** response can be summarised as follows –

- With regard to rural housing need, Rachel Meehan lived in the area from birth until the age of four and a half and spent much subsequent time there at her grandparent's house. So she has spent a large and continuous part of her life in the area and so meets the criterion set out at (d) at Table 5.3 of the development plan. Her family are extremely rooted to the area as was demonstrated in the evidence submitted to the planning authority. The applicants reject the assertion in the appeal that they have other sites available to them.

- No surface water will reach the appellant's property from the proposed development.

10.0 ASSESSMENT

10.1 The planning issues arising from the proposed development can be considered under the following headings –

- Policy
- Drainage
- Visual Impact
- Access

Policy

10.1 The area in south county Roscommon that is identified as being under urban influence in the county development plan is more extensive than that shown in the sustainable rural housing guidelines. However the guidelines state that the precise delineation of the various types of area are a matter for the relevant development plan. The county development plan that applies in this case explains that one-off housing has predominated over development in the county's smaller towns and village in the decade since the guidelines were issued. A significant concentration of sporadic housing is apparent in the rural area around the site, as was mentioned in the council planner's report. The planning authority's policy to control rural housing in this area is therefore considered reasonable. So the applicants' personal circumstances are relevant to the question as to whether the proposed development would meet a local rural housing need and thus to whether it would be in keeping with the proper planning and sustainable development of the area.

10.2 Category d of table 5.3 of the county development plan provides a definition of rural housing need as one generated by people who have lived in the community for a minimum of 5 years or who have long established ties with immediate family members there. Shaun Meehan's circumstances were not cited by the applicants. Rachel McHugh Meehan stated that she lived at her grandparents' house in the village of Curraghboy 3km to the east of the site until she was 4 years old, after which her parents moved to Bellanamullia, Athlone. When living there she spent much time at her grandparents' house at Curraghboy that is now occupied by her uncle. She currently lives in her parents' house in Athlone after returning from Australia. The applicants state that they own no other home and that their son is enrolled in Curraghboy national school for 2015/2016. Ms Meehan also refers to various relations of hers who live in the rural area around the site. Ms Meehan works as an educational psychologist at various locations throughout the region. They have a contract to purchase the site.

10.3 It is clear, therefore, that Ms Meehan did not live for five years in the rural community although she may have visited it frequently. The family home in which she grew up is in the settlement of Bellanamullia, where the applicants currently live. The phrase 'existence in this community of long established ties with immediate family members' that appears in the development plan is imprecise and its application necessarily involves judgment on the part of the decision maker. In this regard I would caution the board that, while the applicants' own personal circumstances and history may be relevant to a decision as to whether they have a housing need and where that need might arise, and thus to whether the proposed development complies with the rural housing policy of the planning authority, it would be improper to decide an application on the basis of a person's ancestry or bloodline. To do so would risk discriminating between persons on the suspect grounds of pedigree in the manner impugned by the High Court in *An Blascaod Mor Teo. v Commissioners of Public Works, 1990 IR 6*. So in circumstances where the applicant has not established a rural housing need that relates to this application site on the basis of the places where she lives, has lived or works, such a need would not arise on the basis that she is related to several members of her extended family who live in the rural area near the site. The board is advised, therefore that the proposed development would not meet a rural generated housing need and would contravene the provisions of the county development plan. It would therefore be contrary to the proper planning and sustainable development of the area. It might be noted that the house that the applicant described as Ms Meehan's home until the age of four is within a rural settlement. The stated objectives of the rural housing policy that are set out in section 5.11 of the development plan are not only to conserve the rural character of the open countryside, but also to promote development in rural villages such as Curraghboy. So there would be no policy restriction on housing development in the vicinity of the home of Ms Meehan's grandparents' in the village, as there is in the wider countryside around it.

Drainage

10.3 The site suitability assessment submitted with the application stated that the trial hole test showed depth of soil of at least 2.2m over the water table on the site. The percolation tests gave a t-value of 7. These results are consistent with the conditions on the site observed at the time on inspection. They indicate that the site is suitable for the treatment and disposal of domestic foul effluent. The size of the site and the layout of the proposed development mean that only a small part of the site would be covered with impermeable material and that no new entrance would be laid out onto the county road. There is no realistic possibility that the development would exacerbate the risk of flooding on the public road or on other properties. The proposed development would therefore be acceptable in terms of foul and surface water drainage.

Visual Impact

10.4 The proposed house would be a large structure with modern design features that differed from the other houses in the vicinity. However it would be set well back from the county road behind a knoll in the middle of the site. The use of the existing lane at the side of the site for access would avoid the additional visual impact of a driveway at the front of the house. The extent of the proposed removal of hedgerow from the side boundary is excessive and is not required to provide a safe access. However this can be remedied by condition. It is therefore considered that the proposed development would be properly integrated into the rural landscape and that it would not seriously injure the character of the area.

Access

10.5 The proposed house would use an existing lane for access which joins the public road in good condition at a point where is it relatively straight and level. It would be acceptable in terms of traffic safety and convenience.

11.0 CONCLUSION

11.1 The proposed house would not seriously injure the visual character of the area or give rise to an undue risk of flooding on the public road or other properties. It would be acceptable in terms of traffic safety and convenience. The site would be suitable for the treatment and disposal of domestic foul effluent. However the house would be located in an area that is under strong urban influence and it would not be justified by a rural housing need. As such it would contravene the rural housing policy set out in the county development plan and would be contrary to the proper planning and sustainable development of the area.

12.0 RECOMMENDATION

12.1 I recommend that permission be refused for the reason set out below.

REASONS AND CONSIDERATIONS

The site is located in an area which is identified in the Roscommon County Development Plan 2014-2020 as being under urban influence. It is the policy of the planning authority, as set out in section 5.11 of that plan, to restrict the development of houses in such areas to those that meet a rural generated housing need. The board does not consider that the proposed house would be justified by such a need. The proposed development would therefore contravene the provisions of the development plan and would be contrary to the proper planning and sustainable development of the area.

Stephen J. O'Sullivan
7th January 2016