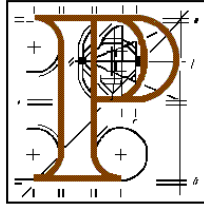


# An Bord Pleanála



## Inspector's Report

**Development:** Construction of a house and associated works.

**Location:** Ballinagard, Roscommon

### Planning Application

Planning Authority: Roscommon County Council  
Planning Authority Reg. Ref.: 15/265  
Applicant: Patrick Dolan & Catherine Mullarkey  
Type of Application: Permission  
Planning Authority Decision: Refuse Permission

### Planning Appeal

Appellant: Patrick Dolan & Catherine Mullarkey  
Type of Appeals: 1<sup>st</sup> v Refusal  
Date of Site Inspection: 17<sup>th</sup> February 2016  
Inspector: Dolores McCague

## **1 SITE LOCATION AND DESCRIPTION**

- 1.1 The site is located in the townland of Ballinagard, some distance south of Roscommon town. A local road which serves the site extends in an east west direction from the N63, with which it links to the west ,and the local road L1812 to the east. Both these roads run north to Roscommon town.
- 1.2 The local road is a narrow road which has come under considerable pressure for housing development. The fields along the road are in pasture and appear to be good agricultural land.
- 1.3 The site is flat and approx.. level with the road.
- 1.4 The site is given as 0.1257ha.

## **2 PROPOSED DEVELOPMENT**

- 2.1 The proposed development is the construction of a two storey detached house and associated works. The house is 213 sq m in floor area, of dimensions 12.4m wide x 9.11m deep x 8.58m high to ridge level, with a double pitched, hipped gable roof profile, rendered walls and a fibre slate roof.
- 2.2 The development is to be served by public mains water supply and public sewer.

## **3 PLANNING AUTHORITY DECISION**

- 3.1 The application was submitted on the 31<sup>st</sup> August 2015.
- 3.2 Technical Reports
- 3.3 Planning – 16/10/2015 –

Planning history 09/166 outline planning permission for 9 detached dwellings.

References County Development Plan policy –

Ch 2 – core strategy

2.3 settlement Hierarchy

2.3.8 one off rural housing

4.1.3 road transportation and Movement

5.9 rural housing.

5.11 housing in the countryside

5.11.1 Rural Housing Strategy

Ch 9 Development Management Guidelines and Standards

S 9.5 Rural Siting and Design.

The site is located outside the Roscommon Town Local Area Plan 2014-2020 boundary and in an area within Tier 4 of the settlement hierarchy. The site is within sub category 3 countryside. Housing in the countryside 5.11 and 5.12 of the plan this area is type Urban Periphery. Within such areas it is the policy to accommodate substantiated rural- generated housing subject to good planning practice.

Policy 5.30 seeks to ensure that rural generated housing will be accommodated in the locality within which it arises. Policy 5.29 seeks to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed.

Recommending that further information be requested.

- 3.4 Request for further information – 22<sup>nd</sup> October 2015, requesting land registry maps of the entire landholding, details of user, current place of residence and housing status together with supporting documentation; details of links with the area; current place of work and occupation.
- 3.5 Further information submitted – 12<sup>th</sup> November 2015.

- 3.6 Further Planning report – 27/11/2015 – summarises the further information:

The lands are fully serviced and not a typical rural area

The applicants are from the Roscommon area and would comply with any conditions regarding residency deemed appropriate,

They previously resided in Ballintober (with parents) and then moved to rented accommodation in Tulsk

The site should be classified as an infill site in a residential area,

The applicants are from Ballintubber and Ballinaheglish and are employed as teachers in Ballaghaderreen and Cloverhill.

- 3.7 The applicants are originally from Ballintubber and Ballinaheglish, a distance of between approx. 12km and 19km from the site and as a result are not from the area in which the site is located. The applicant's places of work are 6.5km (Cloverhill), and 41km (Ballaghaderreen) from the site.

- 3.8 Applicants have failed to meet the criteria for rural generated housing need as defined in para 'a' of table 5.3 of the CDP.

- 3.9 A decision to refuse planning permission was made 9/12/2015 for one reason:

The proposed development is located in a rural area within the Urban Periphery of Roscommon as set out in Section 5.11 of the current Roscommon County Development Plan 2014 – 2020. The Planning Authority is not satisfied, based on submissions received 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, and Table 5.3 of the County Development Plan, which would render the proposed development contrary to policy 5.29 of the Roscommon County Development Plan 2014 – 2020. The planning authority is therefore not satisfied based on submissions received with this application that the development would be in accordance with the proper planning and sustainable development of the area.

- 3.10 The decision was in accordance with the planner's recommendation.

- 3.11 There are no observations on the file.

## 4 PLANNING HISTORY

09/166 outline planning permission, Coleman Lynch, 2/4/2009; for 9 detached dwellings along the public road; 5 with an access road running parallel to the public road and 4 with direct access to the public road. Permission has expired.

## 5 GROUNDS OF APPEAL

5.1 A first party appeal has been submitted by P J Moran chartered civil engineer on behalf of the first party.

5.2 The grounds includes:

The applicants are both natives of the Roscommon area. Mr Dolan is from Ballintubber and Ms Mullarkey from Ballinaheglish, both parishes contiguous to and within the catchment of Roscommon Town for commercial, social and sporting activities.

Mr Dolan is a secondary teacher in Ballaghaderreen and Ms Mullarkey is a primary teacher in Cloverhill, 3km from Roscommon town. They are parents of two small children and want to acquire a home for long term occupation.

Despite 2 years of actively attempting to source a suitable home or site, they have been unable to locate any property which would be suitable for their family housing need.

They have had temporary accommodation in Ballintubber and now Tulsk.

Mr Dolan hopes to find suitable employment in the vicinity of Roscommon Town.

The site is located on Ballinagard Road which is a residential road. 22 detached houses within 400m of the subject site all on single sites and with individual direct accesses to the road challenges the notion that this is a rural area.

It is fully serviced with a public sewer on the roadway abutting the site. It is effectively an infill site and remains the last of 4 which has not been developed.

The planning authority have been excessively rigid and ignored the physical realities.

There are no sites with planning permission in the Roscommon town area. There is no prospect of any alternative site becoming available and negligible availability of second hand houses for sale none of which is suitable for the appellants needs.

The appellants will be forced to return to either of their respective family holdings where they can by definition satisfy the various criteria set down in the Co. Development Plan.

The manner in which the planning authority disallowed the submissions outlining their attachment to the Roscommon town area, failed to recognise their employment details and their past and future connections to the town area, which will be further reinforced as their growing family becomes more involved in the town community. Many of the public in Cloverhill school reside at least as far from the school as the site now proposed by the school principal.

Roscommon town is identified as a growth centre in the Regional Planning Guidelines and the population allocation is a minimum target. An Bord Pleanála is not obliged to adopt the excessively strict interpretation taken by the planning authority. The appellants only realistic alternative is a reversion to making an application on an actual rural site, in comparison to the current proposal on a fully services and patently non rural site.

The compelling legitimacy of the planning authoritys policies cannot be queried but its invocation in the current case should not be accepted in isolation without having regard to the extenuating circumstances explicitly applicable to the application.

The vast amount of lands zoned new residential have no planning history and did not become available for development in previous years. An Bord Pleanála is asked to take into account the non-availability of any suitable lends. The proposed development would not create a planning precedent. The appellants are prepared to enter into a binding legal agreement regarding residency.

While the definition 'Urban Periphery of Roscommon Town' and the control measures outlined are clearly understood and accepted; the site should not be included in this categorisation.

The LAP states that lands with new residential zoning must reach a certain level of completion before any development commences in areas zoned as Strategic Reserve. This policy is not applicable. The zoning objectives principally apply to multi-unit developments.

The site is so small in the context of the areas zoned, that its development will have no impact on implementation of the objectives of the Roscommon Town LAP.

One additional house will have minimal effect on increasing traffic flow.

Section 5.11 of the County Development Plan refers to ‘servicing problems e.g. water supply, drainage, footpaths and street lighting, and it can intrude on public views and our enjoyment of the countryside’ as problems caused by rural housing. This site is in a serviced area and avoids these problems. The abandoning of the site, in the middle of established housing, makes no sense. The site has no viable alternative use.

## **6 RESPONSES**

### **6.1 The Planning Authority**

**6.2** The Planning Authority has responded stating that they have no further comments to make.

## **7 PLANS AND POLICIES**

**7.1** The **Roscommon County Development Plan 2014-2020** is the operative plan.

**7.2** The plan includes the town of Roscommon for which there is also a LAP.

**7.3** Relevant policies include:

**7.4** The plan recognises this area as ‘Urban Periphery’ of a large town under increasing pressure for urban generated housing; which refers to a small number of townlands immediately adjacent to the development boundaries of the settlements of Roscommon Town Monksland/Beallanamullia, Castlerea, Boyle and Ballaghadereen.

**7.5** The plan sets out policies for the management of demand for rural housing. Policy 5.29 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*’. Table 5.4 sets out eligibility criteria for the different rural area types. For ‘Urban Periphery’ areas the criteria in table 5.4 includes a definition of need per table 5.3 for people described in paragraphs ‘a’ and ‘b’. Rural generated housing need for other area types include

additional groups of people, but for Urban Periphery, being those areas under most pressure eligibility more limited.

7.6 Table 5.4: Policies and Suitability Criteria for Rural Area Types, include:

*‘to recognise the individual housing need that may arise from time to time, within the Urban Periphery for those referred to in categories (a) and (b) in Table 5.3. Such needs may be accommodated, provided it is within the same Urban Periphery Area, subject to the availability of a suitable site and normal planning considerations.’*

*‘Qualifying persons within this category are those referred to in categories (a) and (b) in Table 5.3’.*

7.7 Table 5.3: Definition of Urban & Rural Generated Housing Need, defines rural-generated housing need as demand for housing in rural areas generated by:

- a) *People who have lived in a rural area of County Roscommon for a large part of their lives or who have rural roots in terms of their parents being of rural origin. These would include farmers or close relatives of farmers who can substantiate that they are also engaged in agriculture or otherwise dependant on the immediate rural area (rather than a nearby town or village) for employment, and/or anyone taking over the ownership and running of a farm. It would also include people who have no family lands but who wish to build their first home within the rural community in which they have spent a large and continuous part of their lives.*
- b) *People working full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years. This would include those working in agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterway or marine-related occupations, as well as part-time occupations where the predominant occupation is farming or natural resource-related.*

7.8 Other categories in the table at c) and d) do not apply to the Urban Periphery.



- 7.9 The **Roscommon Town Local Area Plan 2014-2020** has been referred to in the grounds of appeal, which refers to 'Residential Reserve' land use zoning. These are lands likely to be developed over the period of the next Roscommon Town Local Area Plan 2020-2026. The subject site is not located within the Local Area Plan area and residential reserve does not apply.
- 7.10 The **Sustainable Rural Housing Guidelines for Planning Authorities, 2005**, include:
- 7.11 These guidelines recommend against the creation of ribbon development for a variety of reasons.
- 7.12 Ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

## **8 ASSESSMENT**

- 8.1 The issues which arise in relation to this development are: appropriate assessment, contravention of the County Development Plan, principle of the development, and the following assessment is addressed under these headings.
- 8.2 **Appropriate Assessment – Screening**
- 8.3 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment. In this regard a guidance document 'Appropriate Assessment of Plans and Projects in Ireland' was published by the DoEH&LG on the 10 December 2009.
- 8.4 The nearest Natura Site is the Lough Ree SAC (site code 000440) which is located c2km away.

8.5 The proposed development involves the development of a single dwelling connected to mains services.

8.6 Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity 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.

### **8.7 Material Contravention of the County Development Plan**

8.8 In the Roscommon County Development Plan 2014-2020 this area is defined as within the 'Urban Periphery' of a large town under increasing pressure for urban generated housing. Urban Periphery, the plan states, refers to a small number of townlands immediately adjacent to the development boundaries of the settlements of Roscommon Town Monksland/Beallanamullia, Castlerea, Boyle and Ballaghadereen.

8.9 The plan sets out policies for the management of demand for rural housing, in the three different types of rural area identified: Urban Periphery, Areas Under Strong Urban Influence and Areas in Need of Regeneration. Policy 5.29 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'*. Table 5.4 outlines eligibility criteria for the different rural areas. For 'Urban Periphery' the criteria in table 5.4 includes a definition of need as described in paragraphs 'a' and 'b' of table 5.3. Rural generated housing need as defined for other types of rural areas includes additional eligibility groups. In the urban peripheries, which are the areas under most pressure, eligibility is more restricted.

8.10 Table 5.4: Policies and Suitability Criteria for Rural Area Types, include:

*'to recognise the individual housing need that may arise from time to time, within the Urban Periphery for those referred to in categories (a) and (b) in Table 5.3. Such needs may be accommodated, provided it is within the same Urban Periphery Area, subject to the availability of a suitable site and normal planning considerations.'*

*'Qualifying persons within this category are those referred to in categories (a) and (b) in Table 5.3.'*

- 8.11 Table 5.3: identifies those groups who are considered to have a rural-generated housing need in the Urban Periphery as:

*People who have lived in a rural area of County Roscommon for a large part of their lives or who have rural roots in terms of their parents being of rural origin. These would include farmers or close relatives of farmers who can substantiate that they are also engaged in agriculture or otherwise dependant on the immediate rural area (rather than a nearby town or village) for employment, and/or anyone taking over the ownership and running of a farm. It would also include people who have no family lands but who wish to build their first home within the rural community in which they have spent a large and continuous part of their lives.*

*or*

*People working full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years. This would include those working in agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterway or marine-related occupations, as well as part-time occupations where the predominant occupation is farming or natural resource-related.*

- 8.12 Neither of the first parties qualify under either of the foregoing categories which are clearly spelled out in the Plan and therefore the proposed development would materially contravene the Plan.

### **8.13 Principle of the Development**

- 8.14 The provisions of the Plan in relation to rural housing, seek to address a problem with regard to pressure for urban generated rural housing, which has been identified as a problem and recognised in government publications since the 1980s and particularly in the publications 'Sustainable Development a Strategy for Ireland', 1997; and the 'Sustainable Rural Housing Guidelines for Planning Authorities', 2005.

- 8.15 Roads on the outskirts of Roscommon Town have experienced extreme housing pressure and it is particularly apparent along this road, to such an extent that the first party considers that this is no longer a rural area.

- 8.16 The Sustainable Rural Housing Guidelines caution against ribbon development, defined as a high density of almost continuous road frontage type development, '*for example where 5 or more houses exist on any one side of a given 250 metres of road frontage*'. From the maps provided with the application it can be seen that, within an area measuring 250m along this side of the road at this location, there are 7 existing houses. Similar or higher densities of housing occur along other stretches of this road.
- 8.17 The proposed development would clearly contribute to ribbon development and urban sprawl. In addition to the unsustainability of ribbon development and urban sprawl; this pattern of development represents a loss of the opportunity for growth in the county town.
- 8.18 The principle of the development, which is an unsustainable urban generated development in a rural area under significant pressure from such development contributes to ribbon development and urban sprawl, which is a reason for refusal.

## **9 RECOMMENDATION**

In light of the foregoing assessment it is considered that planning permission should be refused for the following reasons and considerations.

## **REASONS AND CONSIDERATIONS**

1 The proposed development is located in an area designated as Urban Periphery in the current Roscommon County Development Plan in which it is the policy to accommodate the housing needs of qualifying persons. This policy is considered reasonable. The documentation supplied indicates that neither applicant qualifies for inclusion within the categories of qualifying persons as set out in the Plan. The proposed development would, therefore, contravene materially the development policies as set out in the development plan and be contrary to the proper planning and sustainable development of the area.

2 The proposed development is located in an area of housing pressure where there is a high density of almost continuous road frontage type development, the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, recommends against the creation of ribbon development. The proposed development would contribute to ribbon development as defined in the guidelines, lead to demands for the uneconomic provision of further public services and communal facilities in an area where these are not proposed and would interfere with the rural character and attractiveness of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

---

Dolores McCague

---

Date

Inspectorate

Appendix	1	Map and Photographs
Appendix	2	Copy extracts from Roscommon County Development Plan 2014-2020
Appendix	3	Copy extracts from Roscommon Town Local Area Plan 2014-2020
Appendix	4	Copy extracts from Sustainable Rural Housing Guidelines 2005