



An
Bord
Pleanála

Inspector's Report PL.26.246989.

Development	Permission for house and garage and associated works.
Location	Castleboro Demesne, Castleboro, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20160536
Applicant(s)	James Lennon & Eilish Cummins
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant	James Kehoe
Observers	1. Irish Georgian Society 2. An Taisce
Date of Site Inspection	18 th October 2016.
Inspector	Dáire McDevitt

1.0 Site Location and Description

- 1.1. The site (c.0.476 hectares) is located in a rural area, c.11km southwest of Enniscorthy and c.3km north of Clonroche village. The site is located to the south of Castleboro House (Protected Structure) within Castleboro Demesne.
- 1.2. Access to the site is via an overgrown agricultural access between two houses off a cul-de-sac in Castleboro Demesne. The site is set back c.200m from the cul-de-sac and is taken from a larger field. Its positioning along the western edge of the field has resulted in the site in question having only one natural boundary. The remainder of the boundaries are open and the site exposed vis a vis the surrounding area. The land is relatively flat sloping from south to north towards the rear boundary of the field. The field is separated from Castleboro House and grounds to the north by a water course (formerly part of the Fish Pond).

2.0 Proposed Development

- 2.1. Permission is being sought for:
- A single storey house with a g.f.a of c.222.8sq.m (ridge height of 7m) and a c.59.2sq.m garage (4.95m ridge) on a site with an area of 0.476 hectares. The proposal also includes a c.200m driveway/access to the site.
 - Documentation submitted with the application included:
 - Lennon family landholding details.
 - Letter of consent from P. Lennon (father of James Lennon) for the lodgement of an application on his lands.
 - Site Suitability Assessment Report for the proposed wastewater treatment system polishing filter.
 - Details of compliance with Table 12 criteria for individual houses as set out in the County Development Plan

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant permission subject to 9 standard conditions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Report (5th July 2016)**

The Planner's report forms the basis for the Planning Authority's decision. The main points raised are:

- Rural housing policy.
- Siting and visual impact.
- Appropriate Assessment Screening Report

The Planning Authority concluded that the proposal would not have a negative impact on Castleboro House (protected structure) given its distance from it and the location of the site outside the grounds of the protected structure.

3.2.2. **Other Technical Reports**

Environment Section: No objection subject to conditions.

3.3. **Third Party Observations**

The current appellant lodged an observation at planning application stage.

This was broadly in line with the current grounds of appeal and shall be dealt with in more detail in the relevant section of this report.

4.0 **Planning History**

There is no planning history on this site.

Other Planning Applications of note in the vicinity:

20033049 Laurence Joyce was granted permission in January 2004 on the landholding to the east of the applicant's family lands for a house set back c.

100m from the cul-de-sac to the rear of the family home and agricultural tunnels.

It should be noted that this was assessed 12 years ago (two County Development cycles ago) under a different County Development Plan. In addition, the screening afforded by the western boundary assisted in containing the proposal within the landscape and reducing its visual impact.

5.0 Policy Context

5.1 Wexford County Development Plan 2013-2019

Volume 1

- **Section 4.3 Sustainable Rural Housing**
- **Section 4.3.3.2 Structurally Weak Areas.**

Objective RH05

To facilitate the development of individual houses in the open countryside in 'Structurally Weak Areas' in accordance with the criteria laid down in Table No. 12 subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

- **Section 14.4.2 Landscape Character Assessment – Lowlands**
- **Section 14.4.3 Landscape Management**

Objective L04

To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.

Objective L05

To prohibit developments which are likely to have significant adverse visual impacts, either individually or cumulative, on the character of the Uplands, River Valley or Coastal Landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location.

Objective L09

To require developments to be sited, designed and landscaped in manner which has regard to the site specific characteristics of the natural and built landscape, for example, developments should be sited, designed and landscaped to minimise loss of natural features such as mature trees and hedging and built features.

- **Section 14.6 Built Heritage**
- **Volume 2. Record of Protected Structures**

Castleboro House (Reference no. WCC0673).

- **Section 14.6.1 Protected Structures**

In relation to a Protected Structure or a proposed protected Structure, the meaning of the term includes the interior of the structure, the land lying within the curtilage of the structure, any other structure lying within the curtilage and their interior, all fixtures, fittings and features which form part of the interior or exterior of that structure. The protection also extends to the attendant grounds and any structure therein.

Objective PS07

To ensure that applications in relation to Protected Structures include an architectural heritage assessment/architectural impact assessment report. This report should assess the implications for development in the character of the structure and the area in which it is located. This should be prepared in accordance with Appendix B of Architectural Heritage Protection – Guidelines for Planning Authorities (DEHLG, 2004) and any subsequent drafts.

Objective PS11

To ensure that elements of the architectural heritage of the county, such as historic gardens, stone walls, ditches and street furniture that make a positive contribution to the built heritage, are retained.

- **Section 17.7 Rural Design Guidelines.**
- **Section 18.12 Rural Housing**

- *Development of the site should not have adverse impacts on Protected Structures, designated sites of nature conservation (cSACs, pNHAs and SPAs) and/or sites of archaeological interest.*
- *The site should be capable of accommodating a dwelling which has regard to and avoids potential adverse impacts on existing properties adjoining the site.*
- *The site should be capable of accommodating a dwelling house which blends into, and is not visually intrusive on the landscape.*
- **Section 18.12.3 Single Dwellings on Backland sites in rural areas.**
The Council recognises that lands to the rear of an existing dwelling house may afford people the opportunity to build their own dwelling house, in close proximity to their family. The Council will consider this type development where the following is demonstrated:
 - *There is no loss of privacy for adjoining properties.*
 - *The access arrangements, including the vehicular entrance and traffic movements associated with the dwelling house, would not detract from the residential amenities of adjoining properties or give rise to a traffic hazard.*
 - *The development complies with all other planning and environmental criteria and the relevant development management standards in Chapter 18.*

5.2 Architectural Heritage Protection Guidelines 2011 (DAHG)

Chapter 13 Curtilage & Attendant Grounds

Section 13.1.1

By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined in law, but for the purposes of these Guidelines Curtilage is taken as meaning the parcel of land immediately associated with that structure and which is (or was) in use for the purpose of the structure.

Section 13.2.1

The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation. In many cases, the attendant grounds will incorporate a designed landscape deliberately laid out to complement the

design of the building or to assist in its function....The attendant grounds of a country house could include the entire demesne, or pleasure grounds, and any structures or features within it such as follies, plantations, earthworks, lakes and the like.

The guidance refers to the following three considerations when determining curtilage:

1. a functional connection between the structures;
2. an historical relationship between the main structure and the structure;
3. and the ownership past and present of the structures.

Attendant Grounds is defined in Section 2 of the Planning and Development Act 2000 (as amended) in relation to a structure, *includes land lying outside the curtilage of the structure.*

5.3 National Inventory of Architectural Heritage for County Wexford (2010).

- Castleboro House (Reference No. 15702503 and assigned national Rating)
- Stable block (Reference No. 15702504 and assigned regional rating)
- 2 gate lodges (Reference No.15702508 and 15702506, both assigned regional rating)
- Gateway with granite piers from road (Reference No.15702507 and assigned regional rating).

5.4 Natural Heritage Designations

There is a watercourse c. 250m north of the site which drains into a tributary of the River Slaney. This tributary is within the Slaney River Valley SAC.

- Slaney River Valley SAC (site code 000781) is c. 1km east of the site.
- Black Stairs Mountain (site code 000770) is c. 8km northwest of the site.
- River Barrow & River Nore SAC (site code 002162) is c. 15km west of the site.

6.0 The Appeal

A third party appeal has been lodged by James Kehoe, Castleboro, Clonroche, Enniscorthy, the owner of Castleboro House.

6.1. Grounds of Appeal

The main grounds of the appeal are summarised as follows:

- Castleboro House is listed in the Wexford County Development Plan and is included in the National Inventory of Architectural Heritage for County Wexford.
- It has been featured in books, publications, TV and is visited by national and international groups.

- In the interest of visual amenity, Castleboro and its surroundings should be protected from inappropriate development as it is one of Irelands most important and impressive ruins. It is of national importance.
- Castleboro cannot be considered as an isolated ruin. It must be considered in its full context. The landscape must be protected.
- There has been significant investment over the last 10 years in Castleboro House on the fabric of the historical structure, stabilising the ruins and the environs.
- Wexford County Council had no regard to the historical value of Castleboro when making its decision.

6.2. **Applicants Response**

The following is a summary of the main points:

- Castleboro House was burnt down in the early 1920s and has remained in this state since.
- Castleboro House is of local and cultural importance to the families in the area.
- Castleboro House and estate is in a state of neglect with many original features removed and is structurally unsafe.
- Agricultural Structures and houses have been built within close proximity to Castleboro House with no regard for its setting.
- Proposed house would be 342m from the Castleboro at its closest point. Detailed landscaping proposal have been submitted and would be implemented to ensure the development blends into the landscape.
- There were no objections made to other houses constructed within 400 metres of Castleboro House.
- James Lennon will be taking over the running of the family farm and as such needs to reside close by.

- Alternative sites were examined on the family holding and this site was considered the most suitable in terms of soil conditions, sloping contours, adequate sightlines.
- Site is located in a structurally weak area.
- Siting of the house complies with backland policies and addresses issues of overlooking and privacy of the houses along the lane.
- Proposed house in single storey and would not be visually obtrusive.
- The development complies with EPA Code of Practice.
- Landscape proposal and 3D model supplied with the visual impact assessment. The letter includes a recommendation for a new earth and stone ditch along the northern and eastern boundaries of the site. This ditch should be planted with double row of 90-120 Hawthorn. 1 + 2 transplants, with a mix of Beech and Holly to be planted along the entire length. A new semi-mature tree line to be planted at 6m spacing to include Sycamore, Birch and Scotts' pine planted in groupings.

6.3. **Planning Authority Response**

The following is a summary of the main points:

- The Planning Authority does not share the concerns expressed regarding negative visual impact or negative impact upon Castleboro House given the distance involved and the fact that the site is not located within its grounds. If the dwelling was located anywhere else along the lane, it would be quite visible from Castleboro House.
- The location of the house is not in the ownership or control of Castleboro House – the proposal is to erect a house on a family holding. Policy for backland development in such rural areas provides for family members only and therefore the proposal is acceptable in principle at this location.

6.4. **Observations**

Two Observations have been received in relation to this appeal:

1. Irish Georgian Society
2. An Taisce

The main points are summarised below:

- Query the validity of the Planning Application. The Statutory Notices related to the subject application did not make reference to the fact that the subject development is proposed within the curtilage of a Protected Structure (Castleboro House).
- Notwithstanding Objective PS07 of the Wexford County Development Plan, no Architectural Heritage Assessment/Architectural Heritage Impact Assessment of the proposed development was submitted with the application.
- The Planning Authority appears to be under the misapprehension that the application site is not within the grounds of Castleboro House.
- To suggest that a centrally located site within such a large demesne at such close proximity to the original house is not located within the curtilage of that Protected Structure would set a gravely worrying precedent for development of historic demesnes and would be contrary to the advice of the *Architectural Heritage Protection Guidelines for Planning Authorities*.
- Significant Negative Impact on the Architectural Heritage of Castleboro House.
- Castleboro is of National interest. The burnt out ruins of Castleboro stand as a detached seven bay, three storey over basement country house on a Palladian plan that is centred on a double-height *porte cochère* with three bay two storey wings abutting three bay two storey pavilions.
- It is listed in the National Inventory of Architectural Heritage (NIAH) and the NIAH Garden Survey.
- There is a need to protect the historical landscape and the setting of Castleboro House.

- Development would be contrary to Objective PS11 of the Wexford County Development Plan.
- Proposed house would be to the rear of existing houses located along a lane (200m from the proposed house) and this would result in the house being sited closer to Castleboro House (330m to the rear of the site) than the houses along the lane.
- The proposed house would be highly visible from Castleboro House and the visual impact on the landscape has not been fully assessed.
- The site is located in an area classified as 'lowland' under Map 13 Wexford County Development Plan where it is noted that care needs to be taken on a site by site basis, particularly to minimise the risks of development being visually intrusive.
- Objectives L04 & L09 of the County Development Plan apply.

6.5. **Further Responses**

The appellant (James Kehoe) submitted a response to the applicant's response to the appeal. The main points are summarised as follows:

- Constant care and restoration has been carried out on the structures.
- The pond waterfall was removed in the 1970s as it was dangerous and people would walk over it.
- The fountain and staircase were sold at auction at the time of the fire.
- Trying to keep the ruin clean of ivy and stabilise it (Heritage Council and Wexford County Council support).
- Own house built c.1968 and located well away from ruin.
- Lennon family have other land from which a site could be taken.

An Observer (An Taisce) also submitted response. The main points are summarised below:

- The elevated and exposed nature of the subject site would unduly impact on the views from and setting of Castleboro House.

- The development would be a permanent change to the landscape and would have a negative impact on the setting of Castleboro House (regardless of the condition the house is in).
- Development does not comply with Objectives L05 and L09 of the Wexford County Development Plan 2013-2019.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Architectural Heritage
- Visual Impact
- Appropriate Assessment

7.1 **Architectural Heritage**

7.1.1 The main grounds of appeal relate to the negative impact the proposal would have on Castleboro House, a Protected Structure (Ref. WCC0673 Wexford County Development Plan 2013-2019). It is assigned a rating of national importance under the National Inventory of Architectural Heritage (Ref. 15702503).

7.1.2 It has been put forward by the appellant and observers that the application site is within the curtilage of the protected structure (Castleboro House). Having examined the definitions as set out in section 5.1 of this Report and the location of the application site, it is my opinion that the site is not located within the curtilage of a Protected Structure (Castleboro House). A watercourse (part of a larger fish pond noted in the Cassini 6" and 25" Historical Maps) separates the grounds of the house from the Applicant's family landholding and the field from which the site is taken. It is my opinion that the site forms an intrinsic part of this historical landscape and the overall setting of Castleboro House. Therefore, it

could be regarded as within the attendant grounds as lands where the site is proposed are intrinsic “to its setting/ appreciation”.

- 7.1.3 Due to the sites prominent and exposed position in the landscape it is highly visible when viewed from Castleboro House and any development of the site would be visible and have a permanent impact on the historical landscape associated with Castleboro House and its overall setting.
- 7.1.4 The applicants are proposing to reduce the visual impact of the development through landscaping. Landscaping itself can at times be as visually intrusive as a structure on the landscape. The development of a backland site at this location needs to be approached in a sensitive manner as it is centrally located within a historic landscape and the impact of the development of any site within this area should have regard the character and setting of Castleboro House regardless of its current condition.
- 7.1.5 As set out in section 7.2.4 below the relocation of the site within the overall field would assist in reducing, but not removing, the visual impact of the proposed development on the landscape and its impact on Castleboro House.
- 7.1.6 I consider, therefore, that the appeal should be upheld in relation to this issue.

7.2 Visual Impact

- 7.2.1. The application site is located to the rear of the established residential development along the cul-de-sac. Access to the site is via an overgrown agricultural access between two houses and would require the construction of a c. 200m driveway running parallel to the western field boundary.
- 7.2.2 The site, taken from a larger field, is exposed in relation to the surrounding area. In particular, there are long views towards the site from the north (Castleboro House) due to the topography of the area.
- 7.2.3 While the development of a backland site at this location may acceptable in principle, as per the Councils policy in relation to backland sites, compliance with

development management standards and site specific requirements is also required.

7.2.4 In this instance the setback of the site in relation to the existing pattern of development along the lane/cul-de-sac is excessive. If a backland site was to be considered at this location it should, in my view, be sited closer to the southern corner of the field which would result in less scarring of the landscape by significantly reducing the access/driveway. This would, while still visible to a degree from Castleboro House, offer a higher degree of seclusion due to the topography of the area and would optimise the use of two existing natural boundaries.

7.2.5 Therefore, having regard to the topography of the area, the positioning of the proposed development, the resulting extensive driveway and the lack of visual containment within the landscape it is considered that the proposed development would form a discordant and obtrusive feature on the landscape. The development would be contrary to the principles of siting houses in the rural landscape as set out in the Development Plan and its Rural Design Guidelines and it would have a detrimental impact on the visual amenities of the area.

7.2.6 I consider, therefore that the appeal should be upheld in relation to this issue.

7.3 Appropriate Assessment

7.3.1 The watercourse running along the northern boundary of the field from which the site is taken, and c. 250m from the application site boundaries, drains into a tributary of the Slaney River. This tributary is forms part of the closest Natura 2000 site the Slaney River Valley SAC (site code 000781) c.1km to the east.

7.3.2. There are no direct links to the other European Designated sites within 15km, the Black Stairs Mountain (site code 000770) or the River Barrow & River Nore SAC (site code 002162).

7.3.2 Relevant Qualifying Interests:

Slaney River Valley SAC (000781): Numerous species and habitats are listed. Including priority habitat: Alluvial Forests with *Alnus glutinosa* and *Fraxinus excelsior*.

- 7.3.4 The proposed development would be served by a wastewater treatment system. Site Assessment has been carried out and included with the Planning Application. The site test results show that the site is suitable for a proprietary wastewater treatment system and polishing filter and complies with the EPA Code of Practice for Single Houses (2009)
- 7.3.5 The Planning Authority carried out an appropriate assessment screening at the time of the planning application and concluded that Stage 2 was not required.
- 7.3.6 Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site. No. 000781, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons as set out hereunder.

9.0 Reasons and Considerations

1. Having regard to the existing character and the prevailing pattern of development of the area, the exposed nature of the site in the context of Castleboro House a Protected Structure in the current Development Plan for the area and assigned a national rating in the National Inventory of Architectural Heritage, it is considered that the proposed development, by reason of its siting and lack of visual containment, would form a discordant and obtrusive feature on the landscape, and adversely affect the character and setting of Castleboro

House. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dáire McDevitt
Planning Inspector

27th October 2016