



An
Bord
Pleanála

Inspector's Report PL05. 247305

Development	House and wastewater treatment system
Location	Moneyhaughly, Manorcunningham, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	16/51038
Applicant	Daniel Gallagher
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First /Party
Appellant	Daniel Gallagher
Observer	None
Date of Site Inspection	17 th November 2016
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The site is in a rural area in the north-east of Co. Donegal, c800m east of the shores of Lough Swilly, c12km north-east of the Letterkenny and c3km north-east of the village at Manorcunningham. It has a stated area of 0.53ha. It is part of a field under pasture. The main part of the site is c170m back from the county road. It is connected to the road by a strip that runs between the curtilages of two other houses that have road frontage. Those houses are part of a line of 7 detached houses that have frontage onto the same side of county road. Three houses are within 100m south of the point where the site meets the county road. Another four are within 170m to the north. There are two other detached houses to the north of the site behind the line of houses along the county road. That road is c5.4m wide. It meets the N13 National Primary Road at a junction c600m to the south-west of the site. While the landscape in the area rises from the shore of Lough Swilly to the west, the site itself is relatively flat. There is an established hedgerow on the field boundaries along the southern and eastern side of the site.

2.0 Proposed Development

2.1. It is proposed to build a house with a stated floor area of 199m² and a roof ridge height of 7.6m. A detached garage and a wastewater treatment system would also be installed on the site.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for one reason. It stated that the proposed house behind a line of single storey houses would not integrate with the existing pattern of development and would be a piecemeal and disorderly form of development that would result in the suburbanization of the area. It would contravene policies RH-P-1, RH-P-2, RH-P-5 and RH-O-5 of the county development plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The proposal is essentially a repeat application with the house moved 70m south east on the landholding. The applicant's bona fides for rural housing need are confirmed by a TD. The visibility splays of 70m at the access to the road are acceptable. This overcomes reason no. 2 for the previous refusal. The house design is better than previously proposed but the current proposal would still fail to integrate with the existing pattern of development and result in suburbanisation of the area. The site is 900m from the SAC and SPA at Lough Swilly and due to this separation and the scale of the development is such that it does not require screening. Permission should be refused.

3.2.2. Other Technical Reports

The Environmental Health Officer cited conditions to be attached to any grant of permission.

The Roads Report stated no objection to the development.

Irish Water raised no objection to the development.

4.0 Planning History

Reg. Ref. 15/50476 – the planning authority refused permission for a house for the current applicant on the same landholding for two reasons, the first of which referred to suburbanization of the area and the second to inadequate visibility splays at the access to the county road.

5.0 Policy Context

5.1. Guidelines for Planning Authorities on Sustainable Rural Housing, 2005

The site is in an area designated as being under strong urban influence. The guidelines advise that houses in such areas may be provided to meet the housing needs of the local rural community, but that urban generated housing should be directed to zoned and serviced land within settlements.

5.2. **The Donegal County Development Plan 2012-2018**

Objective RH-O-5 of the plan is to promote high design quality and the successful integration into the landscape of new rural housing.

Policy RH-P-2 is to permit a new rural dwelling which meets a demonstrated rural need provided the development is of an appropriate quality design, integrates successfully into the landscape, and does not cause a detrimental change to, or further erode the rural character of the area. In considering the acceptability of a proposal the Council will be guided by various considerations, including whether a proposed dwelling avoids the creation or expansion of a suburban pattern of development.

The plan identifies the area as being under strong urban influence. Policy RH-P-5 is that where an individual has demonstrated that they need a new house in a rural area defined as Under Strong Urban Influence, it may be favourably considered for those individuals who can provide evidence that they, or their parents, have resided in those areas for a period of at least 7 years subject to compliance with other relevant policies of this plan, including RH-P-2.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed house is on family owned land, set behind existing houses, and would be in keeping with the established pattern of development in the area. There are 2 existing houses behind a line of houses c130m and 170m to the north and another one c200m to the southeast.
- The site is low lying and the house would be virtually unseen from the road. The county development plan states that physical and geographical breaks may extend roadside development in particular cases and that the degree to which the proposal would form a small cluster may incorporate backland sites in appropriate circumstance. The house would be 150m from the nearest house and so a physical break would be well established and the intervening agricultural land would avoid an expansion of a suburban pattern of development. The site boundaries will be planted with native species.

6.2. Planning Authority Response

The planning authority's response referred to the planner's report on the application.

7.0 Assessment

- 7.1. This application is for permission for a house in a rural area under strong urban influence. National and local planning policy restricts such development to cases where it has been demonstrated that it would meet a case of local rural housing need. The planning authority accepted that the applicant had a rural housing need on the basis of a submission from a local TD, although details as to how this need arose do not appear on the planning file. However no evidence was submitted in the course of the application and appeal to dispute the planning authority's conclusion in this regard. The absence of information regarding the applicant's personal circumstances would not, therefore, preclude further consideration being given to this application.
- 7.2. The site assessment submitted with the application indicated that the site was suitable for the treatment and disposal of domestic foul effluent. The test results in that assessment were consistent with the ground conditions observed at the time of inspection. Adequate visibility would be provided at the proposed access to the county road, and the development would not give rise to a traffic hazard. The design of the proposed house is relatively simple. It would be located on flat piece of ground, albeit one that is elevated above the lough in the middle distance. The proposed house would not, in itself, be visually obtrusive.
- 7.3. If it were considered in isolation, therefore, the proposed house might be acceptable. However it is in an unserviced rural area that has already been subject to significant residential development. This includes a nearly continuous ribbon of seven houses between the site and the public road, behind which another two houses have been built close to the site. This amount of housing has exhausted the capacity of the area to cater for development while retaining its rural character. The site does not form part of a traditional or established cluster of rural housing. Rather the proposed house and each of the existing houses stand on their individual rectangular plots in a quintessentially suburban arrangement. The separation distance of the proposed house from existing houses would not be sufficient to avoid it extending a suburban

pattern of development, particularly when all of the housing would be taking access from the same county road. The previous grants of permission for backland houses behind the ribbon development at this location do not so much establish a precedent for the proposed house as demonstrate the very heavy pressure for residential development that exists in the area and the acute vulnerability of its rural character. The grounds of appeal are not accepted, therefore. The proposed development would extend a suburban pattern of development and seriously injure the rural character and amenities of the area in a manner that contravened policy RH-P-2 of the county development plan, and which would be contrary to the proper planning and sustainable development of the area.

8.0 Recommendation

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

9.0 Reason

The site is in an unserviced rural area that is identified as being under strong urban influence by the Guidelines for Planning Authorities on Sustainable Rural Housing issued by the minister in 2005 and by the Donegal County Development Plan 2012-2018. Having regard to the significant number of houses that have been built in the vicinity of the site, it is considered that the proposed house would extend a suburban pattern of development that would undermine the rural character of the area. The proposed development would therefore be contrary to policy RH-P-2 of the county development plan, and to the proper planning and sustainable development of the area.

Stephen J. O'Sullivan
Planning Inspector

14th December 2016