



An
Bord
Pleanála

Inspector's Report

PL16.247785

Development	Construction of a house, garage and associated works at Rusheens, Killala, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	16/628
Applicant(s)	Brian Ferguson
Type of Application	Permission
Planning Authority Decision	Grant
Appellant(s)	Ambrose Blaine
Observer(s)	None
Date of Site Inspection	16 th March 2017
Inspector	S. Kehely

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.435 hectares is located in a prominent rural coastal/estuarine area overlooking Killala Bay near the River Moy Estuary and about 300m from the coastline. It is c.3km south east of Killala town. The road forms an extensive part of the Western Way amenity route. There are many landmarks and sites of interest in this corridor. There is scattered housing in the wider area – with some stretches of ribbon development along the road but on the landward side. The appellant house to the north in the adjacent land is one of the few house on the same side.
- 1.2. The site slopes down from the road down toward the coastline and is quite steep in part falling from contour level of 100m to 90m over a distance of 50-60m. It mostly grassland with clusters of gorse and there is a mature hedgerow along the site frontage which obscures views of the site. It is used for grazing. There are two gates into the site - one pedestrian sized. The site is on the seaward side of a coastal route which is part of network of substandard roads before reaching the regional route.

2.0 Proposed Development

- It is proposed to construct a single storey dwelling house of 183 sq.m. n garage of 61.6sq.m.
- The style and finishes are simple. the stated overall height is 5.95m.
- Proposed water supply is from a new connection to the mains system
- It is proposed to setback the entire frontage of 56m to provide sightlines of 60m in each direction
- Effluent disposal is via a septic tank and percolation area and surface water drains to three soakaways. This is based on site assessment, and recommendations in an EPA Site Suitability Assessment report. (attached) this shows a T value of 5.86 (min/25mm)

- An appropriate Assessment report forms part of the documentation supporting the proposal,

3.0 Planning Authority Decision

3.1. Decision

- Permission GRANTED subject to 15 no. conditions
- Further Information was requested by the planning authority in relation to access and public water supply.
- The access is relocated to the south end which improves sightlines considerably. The Moyne group water Scheme is in the charge of the Council. The applicant has been advised by council engineer that connection will be made available via Irish Water.

3.2. Planning Authority Reports

3.2.1. The report of the area planner reflects the decision of the planning authority. The report takes account of:

- The considerable pre-planning and general acceptability of the house in principal and design compliance with the Mayo Rural Housing Design Guidance
- The plot width of 40m and the location within 400m of the high water mark
- The location of the house outside an area of urban influence
- The scenic setting
- Site assessment report in context of EPA Code of Practice
- Proximity to a designated site and the AA report submitted
- Objections regarding traffic hazard and flooding and the further information which improves access and sightlines.

- Flooding not considered an issue. Site does not lie in the flood zone of CFRAM or OPW. Flood Risk Assessment is not required. Surface water can be managed on site.

3.3. **Other Technical Reports**

- Ballina Municipal District: Further information required in respect of water supply, site boundary and access. Conditions also specified in this regard and also in relation including surface water drainage details and septic tank/percolation area details
- Architectural Memo: Approves proposal subject to planting 3 deciduous semi-mature trees in front garden with a min girth of 30cm

4.0 **Statutory Bodies**

4.1. An Taisce:

- Rural housing and amenity provisions of development plan must apply
- Applicant must demonstrate a rural generated housing need and ensure that key assets in rural areas such as water quality, natural and cultural heritage and the quality of the landscape are protected to support quality of life and economic vitality.
- Concern about individual and cumulative impact of the effluent treatment system particularly in the context of section 4.5 of the sustainable rural housing guidelines and also the requirements to protect both groundwater and surface under the EU Groundwater Directive (80/86/EEC)

5.0 **Planning History**

PA ref P01/2540 – refers a grant of permission for house and septic tanks for applicant in neighbouring site. PA 03/348 refers to subsequent permission for revisions.

6.0 **Statutory Guidance**

6.1. **Development Plan**

- The site development is governed by the Mayo County Development Plan 2014-2020.
- The subject site is located within the Structurally Weak Rural Area (Appendix 9) and outside an area of Urban Influence.
- Landscape Character: The site is just a few hundred metres within the shoreline of Killala Bay and the River Moy which are both classed as vulnerable.
- The site is in the North Mayo Drumlins area (Policy 4) and borders the Coastal Policy 1 area.
- It is an objective of the Council to ensure that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG), Map 1 Core Strategy Conceptual Map and the Development Guidance document of this Plan.
- Objective RH-02: It is an objective of the Council to require rural housing to be designed in accordance with the Design Guidelines for Rural Housing (Mayo County Council). Consideration will be given to minor deviations from the guidelines where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or on local residential amenity in the Area.
- Section 2.3.2: In areas classified as Structurally Weak Areas (see Appendix 9 Rural Area Types Map) permanent residential development (urban and rural generated) will be accommodated. Favourable consideration will be given in areas where there has been population decline since 1951.
- Objective 2.3.4: In areas along the sea, estuaries and lake shore lines (referred to as scenic areas) only planning permission for replacement housing, extensions or where a farmer has no other land except in those areas will be allowed and the scenic views will be protected as much as possible

6.2. Sustainable Rural Housing, Guidelines for Planning Authorities

- The subject site is located within an area designated as being as 'Structurally Weak Rural Area' within these Guidelines
- Section 3.2.3 deals with 'Rural Generated Housing'

- Section 3.3.3 deals with 'Siting and Design'

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The site is in an area of high natural amenity
- The applicant does not satisfy the criteria having regard to rural generated housing criteria and the sensitivity of the site
- The isolated dwelling would be car dependant and this is not sustainable environmentally or economically
- Impact on landscape character and proliferation of urban generated housing would serve to erode the amenity of the rural are
- Road safety issue having regard to generation of traffic by reason of new junction.
- The road is part of the Monasteries of Moy Greenway
- Proposal is not considered to harmonise with the local landscape. The garage in this regard is too big.

7.2. Applicant Response

7.3. The response may be summarised as follows:

- The site is part of a holding owned by the applicant's family and farmed by the applicant. The house is need to continue farming the land. As the site is in a structurally weak rural area where population has been declining the applicant complies housing policy at many levels (farming, family ties and residence in Killala town).
- The Drumlin setting of the site, as classified in the Landscape Character Appraisal of the county is beneficial in absorbing the development and significantly reduces views of the site form the wider area/ Mature hedgerows further screen views of the site.

- The site frontage does not conflict with the proposed greenway route
- The house will be about 2m below road level.
- The house is below a number of houses and 3-4 metres below the house to the north (appellant). By comparison it is also much more modest and less intrusive in terms of development works and site area
- Permission was granted for a house 100m north along the road and there was no third party objection
- This house cannot be classed as ribbon development
- A cluster of housing has developed in line with historic settlement trends
- The site selection follows extensive pre-planning consultation and is deemed the most suitable within the family holding
- The road is lightly trafficked and there is good visibility
- Choice of site was largely dictated by the fact that the majority of family landholding abuts the N59 National Secondary Route, onto which new entrances are severely restricted
- Family lands to the west and north were considered unsuitable having regard drainage and access issues

8.0 **Assessment**

8.1. I consider the key issues in determining this appeal are as follows:

- Principle of proposed development
- Impacts on amenity and traffic safety
- Appropriate Assessment

8.2. Principle of proposed development

8.2.1. The applicant's requirement for a house in this location is based on the desire to live on family lands and farm them. He is resident in Killala Town but states that commuting will not be necessary as he will be working on the farm. There is however no documentary evidence supporting this claim and I would have concerns about impact of granting of permission on loss of demand for housing in the village, the development and consolidation of which accords with the most sustainable form of development in line with national spatial strategy. The planning authority is evidently satisfied that the applicant meets the criteria for a house in the area on principle. I note that the site is located in a Structural Weak area and rural generated housing in principal is acceptable subject to siting and design. If the Board is of mind to grant permission, it may consider seeking evidence of for example registration details for herd keeper/owner activities to satisfy itself of the land-based need having regard to applicant's current residence.

8.3. Impacts On Amenity

8.3.1. The site is just south of protected views and prospects (as mapped in the development plan) from the same road. It is also just outside policy area 1 montane coastal zone as it is, I note, more estuarine in context. It is accordingly classed as part of the drumlin area and this is more robust generally as reflected in policy 4. However, the site is still in an elevated and prominent location in close proximity to the coastline/high water mark and the provisions of the plan to protect such sensitive areas have to be respected. In the context, the provision of house is a significant issue.

8.3.2. The proposal has been well considered in terms of profile, massing and siting in an effort to assimilate the development into the immediate and wider landscape. The case is well made that it will be in effect less obtrusive than existing development. It is submitted to be readily absorbed into the landscape along with the other cluster house for which permission has been recently granted. The detailed design accords with the council's design guidance. While I accept that the applicant has made efforts to design sensitive housing development I have reservations about the proposal

dwelling in its capacity to contribute to a suburbanisation of the area and on the coastal side of the road that is relatively free from development. This I consider presents a serious conflict with the protection of character and visual amenities of the area.

8.3.3. In order to improve the sightlines, the applicant is required set back the entire boundary which is defined by a mature hedgerow Haven regard to substandard alignment I do not see that the appliance has any option is the development in the interest of traffic safety. This will however dramatically alter the character of this country road. The site is part of relatively instance patch of land extending to the coast and development is concentrating on the landward side of the road. The development of house will further erode this character. Furthermore, this road is part of the Western Way and is also part of an amenity corridor through which a greenway route is also planned which will be of considerable benefit to the wider communities. Permission for more housing in this area and on this site does present conflict issues with amenity enhancement and development of landscape based tourism. In this context the proposed development and the precedence it would set would conflict with the objective TM-03 to continue to provide where possible, or encourage the provision of, walkways and cycleways throughout the county where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network or visual amenity, and to promote the County as a premier walking/cycling destination in the Country. The conflict is further compounded by traffic safety.

8.3.4. The generation of additional vehicular traffic on a substandard route which farms part of an established and promoted amenity trail would constitute a traffic hazard. The precedence for further development in this regard would be undesirable.

8.4. **Appropriate Assessment**

- 8.4.1. The subject site is located within 120 metres of Kilalla Bay/ Moy Estuary SAC 00458 and Kilalla Bay/ Moy Estuary SPA 004036. Description of these sites are contained in appended screening report with the application.
- 8.4.2. This site is of considerable conservation importance. There is a detailed site specific set of conservation objectives for the SAC (attached) relating to the 12 species/habitats of conservation interest. Similarly, there is a detailed set of objectives for the 8 different bird species and the wetlands of conservation interest in the SPA. (attached)
- 8.4.3. The activities that may give rise to environmental damage are related to site clearance and construction works both mechanical and chemical and disturbance and then human habitation and activities such as store of oil for heating, waste effluent and landscaping.
- 8.4.4. While there is no watercourse traversing the site the main pathway on an ongoing basis would be through the groundwater to habitats and species dependant on water quality although the site is well buffered. With respect to water contamination I am satisfied that there is no direct discharge to surface water and that the on-site waste water treatment plant can comply with the EPA Code of Practice based on the site assessment and recommendation, drainage and soil characteristics.
- 8.4.5. There will be no direct or indirect of loss of habitat. The site is grassland subject to bovine grazing and this will be maintained between the house and the SAC/SPA boundary.
- 8.4.6. Given the separation distance and subject to standard precautionary measures the impacts are unlikely to have any significant effect on the sites in view of the conservation objectives.

8.4.7. I am satisfied that the proposed development individually, and in combination with other plans and projects would not be likely to have a significant effect on the above European Sites in view of the sites' conservation objectives.

9.0 Recommendation

9.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

10.0 Reasons

1. Having regard to the elevated nature of this exposed coastal-estuarine site, it is considered that the proposed development would form a discordant feature on the landscape at this location; would lead to the further suburbanisation of this rural area and would set an undesirable precedent for other development in the vicinity and therefore seriously injure the visual amenities of the area. Furthermore, the proposed development by reason of intensification of vehicular traffic on substandard road network and on a route that forms part of the Western Way would be prejudicial to public safety by reason of traffic hazard. The proposed development which is also in the vicinity of the planned Greenway route would therefore conflict with the development plan policy and objectives and to promote the County as a premier walking/cycling destination in the Country. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Senior Planning Inspector

11th April 2017