



An
Bord
Pleanála

Inspector's Report PL12. 247853

Development	House and wastewater treatment system
Location	Dromgoran, Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	16/162
Applicant	Gerry McLoughlin
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant	Stella Davis
Observers	Kevin Curran Diane Foley Walter Campbell
Date of Site Inspection	13 th March 2017
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The site is c3km north of Leitrim village in a rural area characterised by drumlins. The regional road R207 runs along the side of one such hill c90m north west of the site. The site is in an elevated position relative to that road. It is joined to it by an lane that serves 5 existing houses. The access road joins the regional road on the inside of a long curve which restricts the forward visibility available to the south of the junction to c80m. The site has a stated area of 0.58ha. An agricultural entrance and a cattle pen have been provided on the part of the site beside the lane. The ground on this part of the site looks to have been recently disturbed and there are no hedgerows along its boundaries. The land at the rear of the site is under pasture and hedgerows stand on the field boundaries. The site adjoins the curtilages of two other houses to the north and south.

2.0 Proposed Development

2.1. It is proposed to build a two storey house on the site with a stated floor area of 137m² and a roof ridge height of 7.4m. The roof and external walls would be metal sheeting. The house would be served by a wastewater treatment system and polishing filter. Water would be supplied from a group scheme. A detached garage is also proposed.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 13 conditions. Condition no.3 restricted occupation of the house to the applicant or his family for 7 years. Condition no. 5 required the house to be moved 5m to the west to protect the amenity of the house to the south

3.2. Planning Authority Reports

3.2.1. Planning Reports

- An appropriate assessment is not required. The site is in an area designated by the development plan as having a low capacity to accommodate rural housing where a need for a proposed house should be demonstrated. There is a low volume of traffic on the lane serving the site and the proposed entrance there is acceptable. It was recommended that further information be sought regarding the applicant's need for a house and to justify details of the proposed design. The subsequent report noted that the applicant was native to the area and farms the landholding of 10ha with his father. The proposed house would therefore comply with the policies of the development plan. The design of the garage has been altered and the extent of hardstanding around the house is reduced. The proposed design is acceptable. A grant of permission was recommended

3.3. Third Party Observations

The appellant raised concerns regarding boundary treatments, drainage and noise pollution.

4.0 Planning History

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

5.0 Policy Context

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

The site is in a structurally weak rural area, where the guidelines advise that demand for houses should be accommodated where it arises, subject to good practice in such matters as design, location and the protection of important landscapes and environmentally sensitive areas.

5.2. Development Plan

The Leitrim County Development Plan 2015-2021 applies. The site is in an area in the vicinity of Carrick, Leitrim and Durmshanbo that is designated as having a low capacity for rural housing, having regard to the need to protect the setting of those settlements and avoid coalescence between them, to avoid the proliferation of wastewater treatment systems and to protect the carrying capacity of strategic roads. Policy 17 of the plan is to consider one-off housing in such areas where the applicant demonstrates compliance with the following requirements –

- They are currently living in a low capacity area and need to continue living there other than at their current residence, or
- They were originally native to the area and wish to return for family or social reasons and are willing to enter into a section 47 agreement restricting occupation of the proposed house.

Table 26 at section 5.5.8 of the plan set standards for sightlines on various roads. The standard for regional roads is 160m

5.3. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development is not in keeping with the development plan or the proper planning and sustainable development of the area.
- The proposed house does not meet a local housing need. The applicant does not farm the land as his main occupation. The cattle pen and access were recently installed and the hedgerows removed, all without permission. An extensive land drainage system was not considered in the site suitability assessment. It may have had a significant impact on the water table in the trial hole.

- The cul-de-sac to the site is narrow and is maintained by its users. The applicant does not have a right to use it in the manner proposed and does not contribute to its maintenance. The junction with the R207 is dangerous. The proposed development would increase hazard to those using the regional road and the cul-de-sac.
- The proposed house would overlook the appellants' garden to the south and would prejudice the extension of her house to the north.
- The site may not be suitable to dispose of wastewater. The area has heavy clay soils that have poor percolation. The other septic tanks in the area have had difficulty discharging to groundwater. Surface water ponding occurs naturally over the site, photographs of which are attached. The site assessment was carried out in the summer and no account was taken of the likely conditions and water table during the wet winter. The appellant observed a high level of water in the trial hole, which was subsequently lowered. The water table is within 100mm of the surface during wet weather.

6.2. Applicant Response

- The site is part of a small family farm. The applicant grew up in his parents' house nearby. He previously worked in Dublin but is now employed in Sligo. He farms the land on a part-time basis. The proposed house would be his full-time residence. The applicant is therefore an intrinsic part of the rural community. The proposed house complies with the requirements set out in policy 17 of the county development plan. The proposed development would comply with the provisions of the development plan. The construction of an agricultural access and cattle pen on the site did not require planning permission.
- The site occupies is on flat land and is not prominent in the landscape. The house could be erected on this with minimal excavation compared to the rest of the landholding. The design of the house would reflect a typical rural hayshed. There are 4 other houses within 1km of the site which is not an excessive density for a rural area.

- A site suitability assessment was submitted which showed the soil on the site with a t-value of 50 and a p-value of 21, and proposed a mechanical treatment system with discharge via two peat-filled modules and a gravel bed. This would comply with the EPA's code of practice. Previously installed systems in the vicinity may not comply with this code. Drainage work was carried out on the farm some years ago for agricultural improvement. The proposed wastewater treatment system would not be close to those works, and would not be in the area shown in the photographs submitted with the appeal.
- The site entrance and private lane access onto the public road comply with the minimum sight distances set out in the development plan and are sufficient to ensure safe vehicular access to the site. The applicant is willing to contribute to the maintenance of the lane.
- The proposed house would be 42m from the appellants' house and would have no accommodation on its southern side. It would not interfere with the appellant's privacy.

6.3. Planning Authority Response

As the applicant is originally from the area and farms the land with his father, he has adequately demonstrated his need for a house in accordance with policy 17 of the development plan. Its location within an existing cluster of houses is also appropriate. Traffic volumes and speeds are low on the cul-de-sac serving the site. The issue of maintenance is one for the users of the road. Condition no. 5 of the planning authority's decision moved the proposed house so that its gable end would not face the appellant's garden. The proposed development will not infringe the appellant's privacy. The conclusions of the site suitability assessment are re-stated.

6.4. Observations

The observation from **Walter Campbell** states that he is the owner of the lane to the site and has no evidence that the applicant has a right of way over it for the proposed development.

The observation from **Diane Foley** states that cul-de-sac which serves the site and her house is privately maintained. It already has too much traffic. The junction between it and the public road is very dangerous with inadequate sightlines.

The observation from **Kevin Curran** states that he lives to the north-east of the site, and that the soil in the area is not suitable for the disposal of domestic foul effluent. The site is waterlogged during wet weather and French drains were installed upon it recently. There are too many septic tanks on the cul-de-sac and further development will have a serious effect on residential amenity, local watercourses and the environment.

6.5. Further responses

6.5.1. The applicant's response to the appeal was circulated. The planning authority responded that they had no further comments. The appellant's response can be summarised as follows-

- The landholding was purchased in 2010, before which it was part of a landholding on which permission for a house was granted under Reg. Ref. 05/148.
- Concerns regard drainage and the previous construction of a cattle pen on the site were reiterated. A letter from a site assessor stating that he witnessed waterlogging of the ground where the treatment system would be installed was included, along with further photos of the site and an account of a meeting with the applicant's agent.

7.0 Assessment

7.1. Neither national nor local rural housing policy requires full-time occupation as a farmer to justify permission for a house in this locality. The applicant has asserted that he originally from this rural area and that the proposed house would enable him to return and live there permanently. There is no reason to question this assertion. The submitted details are therefore adequate to demonstrate compliance with the

rural housing policy set out in county development plan, and in particular the requirements of policy 17.

- 7.2. The proposed house would be more than 40m from the appellant's house and 11m from their shared boundary. This separation distance is sufficient to ensure that it would not unduly overlook the appellant's property to an extent that seriously injured its residential amenity.
- 7.3. The site suitability assessment submitted with the application stated that the soil where the proposed wastewater treatment system and polishing filter would be installed has a t-value of 50 a p-value of 21 and a depth of 2.4m above the water table. These values were consistent with the condition of the ground there at the time of inspection, which was improved grassland with no indications of ponding or waterlogging. Its condition differed from the ground at the front of the site where there was widespread ponding, as shown in the photos submitted with the appeal. However the effluent from the proposed treatment system would not drain to that land. In these circumstances the site suitability assessment is regarded as reliable. Its conclusion that the proposed wastewater treatment system and polishing filter would comply with the EPA's code of practice is accepted, in particular the requirements set out at table 6.2 and 6.3. The system would also meet the separation distances set out in table 6.1 of the code of practice. The proposed development would not be prejudicial to public health, therefore, and would not give rise to an undue threat to the quality of waters.
- 7.4. The proposed development would involve the erection of a house and a wastewater treatment system that complies with the EPA's code of practice on a site comprised of improved grassland that is not in or adjacent to any Natura 2000 site. So no appropriate assessment issues arise and the proposed development would not be likely to have a significant effect on any European site either individually or in combination with any other plan or project.
- 7.5. The site is not prominent in the landscape. The proposed house would resemble an agricultural shed. It would also be within a cluster of existing houses. In these circumstances the proposed development would not injure the rural character or visual amenities of the area.

7.6. The lane serving the appeal site is narrow, although the lane itself would be adequate to cater for the traffic serving one more house in addition to the other five houses along it. However its junction with the R207 regional road is hazardous. It lies on the inside of a curve that restricts the forward visibility to the south-west without curtailing traffic speeds on the main road. An 80kph speed limit applies on that road and a continuous white line runs across its junction with the lane serving the site. The visibility available to the south-west of that junction is little more than half the standard of 160m set at section 5.8.8 of the development plan for regional roads. In these circumstances the additional vehicular movements that the proposed development would generate at that junction would represent a traffic hazard that would render it contrary to the proper planning and sustainable development of the area. .

8.0 Recommendation

8.1. I recommend that permission be refused.

9.0 Reasons and Considerations

The proposed development would generate additional traffic turning movements at the junction of the lane serving the site and the Regional Road R207 where adequate forward visibility is not available due to the horizontal alignment of the regional road to the south-west. The proposed development would therefore endanger public safety by reason of traffic hazard.

Stephen J. O'Sullivan
Planning Inspector

18th April 2017