



An
Bord
Pleanála

Inspector's Report PL.08.247938

Development Construction of a house and all associated site works.

Location Whitefield, Beaufort, Co. Kerry.

Planning Authority Kerry County Council

Planning Authority Reg. Ref. 16/784

Applicant(s) Fiona Coffey

Type of Application Permission

Planning Authority Decision Refuse

Type of Appeal First Party

Appellant(s) As above

Observer(s) None

Date of Site Inspection 25th April 2017

Inspector Kenneth Moloney

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Planning Authority Reports	4
3.2. Third Party Observations	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 National Guidelines.....	5
7.0 The Appeal	6
7.1. Observations	6
8.0 Assessment	6
9.0 Recommendation.....	10
10.0 Reasons and Considerations	10

1.0 Site Location and Description

- 1.1. The subject site is located in a rural area characterised by fertile agricultural land situated approximately 15km west of Killarney. The subject site is located adjacent to a junction between a local primary road (L4038) and a local access road.
- 1.2. The size of the appeal site is approximately 0.325 ha (0.8 acres) and the shape of the appeal site is approximately rectangular.
- 1.3. The gradient of the appeal site slopes gently eastwards towards the local access road and this is consistent with the local topography.
- 1.4. There is an original stone wall that surrounds the appeal site and this stone wall forms the boundary with the public road.
- 1.5. There are 5 no. mature trees located on the appeal site which add character to the local landscape and there are also overhead power lines which traverse the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a house, waste water treatment system and associated percolation area.
- 2.2. The proposed house is single storey in height and the overall floor area is approximately 224 sq. metres. The proposed ground floor comprises of living space and two bedrooms and the first floor comprises of two bedrooms.
- 2.3. The overall height of the proposed house is 7.5 metres above ground level.
- 2.4. The proposed development also includes vehicular access onto a local access road which is situated to the immediate east of the appeal site.
- 2.5. The proposed development will be served by public water mains and a conventional septic tank system.

Additional information sought for (a) adequate sight line provision, and (b) documentary evidence of applicants links / ties to the local area.

3.0 Planning Authority Decision

Kerry County Council decided to **refuse** planning permission for the following reason;

The Planning Authority is not satisfied on the basis of the submissions made in relation to the application, that a rural house need has been demonstrated in accordance with Objective RS-10, of the Kerry County Development Plan, 2015 – 2021, having regard to the location of the application site in an area designated a Stronger Rural Area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

3.1.1. The main issues raised in the planner's report are as follows;

Area Planner

- Permission granted for a dwelling on the site in 2007.
- Traffic not an issue.
- No negative impact on adjoining residential amenities.
- The applicant has failed to demonstrate adequate links / ties to the area which is zoned rural general and is designated as a stronger rural area.

3.1.2. Area Engineer; - Additional information sought requesting the applicant to submit a revised site layout indicating an adequate sight line provision.

3.1.3. Submissions; - There is a submission from Irish Water who have no objections to the proposed development.

3.2. Third Party Observations

There are no third party submissions.

4.0 Planning History

- L.A. Ref. 07/1311 – Permission **granted** to Virginia McGillicuddy to construct a dwelling house, effluent treatment system and associated works.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Kerry County Development Plan, 2015 – 2021, in accordance with the settlement strategy. The appeal site is located in an area designated 'Stronger Rural Area'.

Policy Objective RS-10 is relevant. This policy objective states to '*facilitate the provision of dwellings for persons who are an intrinsic part of the rural community in which they are raised, subject to compliance with normal planning criteria and environmental protection considerations*'.

6.0 National Guidelines

Sustainable Rural Housing Guidelines

The subject site is located within an 'Area under Strong Urban Influence' as identified in Map 1: Indicative Outline of the NSS rural areas types in the DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005. The Guidelines note that in these areas the objective should be on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan.

7.0 The Appeal

The following is the summary of an appeal submitted by the applicant's agent;

- The applicant is living approximately 6.5km from the appeal site.
- The applicant has attended schools locally.
- The applicant is involved in community groups, i.e. Beaufort G.A.A. and Beaufort Defibrillator Group.
- The applicant works for the Department of Social Protection in Killarney which is 14km away.

7.1. Observations

None.

8.0 Assessment

- Principle of Development
- Vehicular Access
- Waste Water Treatment
- Appropriate Assessment

8.1. Principle of Development

A key consideration in this appeal relates to the applicant's rural housing need in this area and as such whether this housing need complies with the provisions of the Kerry County Development Plan, 2015 – 2021, and the Sustainable Rural Housing Guidelines, 2005. In accordance with the provisions of the County Development Plan the appeal site is located in an area designated 'Stronger Rural Area' and these rural areas generally have stable population levels based on traditionally strong agricultural base. Therefore, in order to recognise these characteristics and to consolidate and sustain the stability of the rural population, it is an objective that

applicants shall satisfy that the proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a rural area.

The applicant is currently living in the townland of Cappaganneen which is situated approximately 6.5km from the appeal site. The applicant has local community links to Beaufort G.A.A. and Beaufort Defibrillator Group and the applicant attended school in Killorglin and these links are supported by letters attached to the appeal submission. The applicant is currently employed by the Department of Social Protection in Killarney and the submission includes a letter from the applicant's employer confirming her employment status.

The Sustainable Rural Housing Guidelines, 2005, expand on the meaning of the term rural generated housing under Section 3.2.3 of the publication. The explanation includes persons who are an intrinsic part of the rural community and persons working full and part-time in rural area. The County Development Plan is silent on categories of housing need for 'Stronger Rural Areas' however in considering the applicant's case I would consider that the following are worth bearing in mind;

- The applicant is not farming land or a daughter of a farmer.
- The applicant is not taking over the running of a farm.
- There is no evidence that the applicant has spent a substantial period of her life in this particular rural area.
- The applicant's occupation is not such which necessitates living in this rural location.
- The applicant's occupation is not essential to the delivery of social and community services and intrinsically linked to a particular rural area.
- The applicant is not a returning emigrant.

Although the County Development Plan does not contain any criteria for evaluating the applicant's rural housing need I would be of the opinion that the above

considerations are a useful guidance in evaluating whether the applicant has a genuine rural housing need.

I would consider, based on the explanation offered by the national guidelines that the applicant would not be a person who is an intrinsic part of the rural community or a person working full or part-time in a rural area. In my view the village settlement of Beauford is more proximate to the location of the applicant's employment, who is working full-time in Killarney, than the appeal site. Furthermore, the applicant has not demonstrated in any great detail the location of her birth and where she grew up and this would establish where the applicant has spent a substantial period of her life and is likely to have family connections to that area.

As such I would consider that the applicant has not adequately demonstrated that she has a genuine local housing need in this rural area. I would conclude, based on the information on the file that the proposed development would be contrary to Policy Objective RS-10 of the Kerry County Development Plan, 2015 – 2021. Therefore, I would not consider that the applicant would comply with the rural housing need policies and provisions of the Kerry County Development, 2015 – 2021, and as such I would recommend a refusal to the Board on the basis that the applicant fails to comply with the local rural housing need provisions.

8.2. Vehicular Access

The proposed vehicular access is onto a local access road which is lightly trafficked and I would consider, on the basis of existing traffic generation, that the proposed access onto this road at the location is not an issue in relation to traffic hazard.

However, the Area Engineer was concerned with the access from the local access road onto the local primary road (L4038) and in particular the sightline provision to the west. On the basis of a visual observation of the area I would share these concerns due to the rising topography and the layout of the road which is effectively

a bend. The Area Engineer sought additional information for the applicant to address these issues.

The applicant submitted a revised site layout plan which illustrates the boundary of the site onto the L4038 set back from the edge of the public road. This would improve sightline provision in a western direction and I note that the Local Authority are satisfied with this amendment. Overall I would consider that the proposed vehicular access would not result in a traffic hazard.

8.3. Waste Water Treatment

The proposed house will be served by a new private wastewater system. I note from the T-test in the submitted site characterisation form the value recorded is 21 which is an acceptable value. The EPA publication Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses, 2009, recommends that a T-value between 3 and 50 is suitable for the development of a septic tank or secondary treatment system discharging to the groundwater. The assessment by the Environment Section of Kerry County Council concludes that the proposed waste water treatment system is acceptable for the proposed house. Overall and based on the information available I would consider that the proposed waste water proposals are acceptable and that the proposed development would not be prejudicial to public health.

8.4. Appropriate Assessment

The nearest designated Natura 2000 Site is the Castlemain Harbour SAC (site code 000343). It is intended that the proposed house will be connected to public water mains and an on-site treatment system in the form of a septic tank. Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

9.0 Recommendation

- 9.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be refused for the reason set out below.

10.0 Reasons and Considerations

The proposed development is located in an area designated as a rural area under 'Strong Urban Influence' in the Sustainable Rural Housing Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government 2005) and within an area designated as 'Stronger Rural Area' in the Kerry County Development Plan, 2015 - 2021. National and local policy seeks to restrict housing in unserviced rural areas to applicants who have demonstrated a genuine need to live in such areas. The applicant has not demonstrated an exceptional rural housing need in relation to the subject site, the proposed development would lead to demands for the uneconomic provision of public services in an unserviced rural area and would be contrary to Policy Objective RS-10 of the Kerry County Development Plan, 2015 – 2021, set an undesirable precedent and therefore, be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Planning Inspector

10th May 2017