



An
Bord
Pleanála

Inspector's Report PL21.248114

Development	Construction of house, on-site waste water treatment system with ancillary works
Location	Lecarrownaveagh, Enniscrone, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	PL16/485
Applicant(s)	Siobhan McGowan
Type of Application	Outline Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Siobhan McGowan
Observer(s)	None
Date of Site Inspection	26/04/2017
Inspector	Gillian Kane

1.0 **Site Location and Description**

- 1.1. The subject site is located on the eastern side of the country road L-2650-24 which runs from Enniscrone to Ballina in north Mayo. The road has a single white line in the centre and a relatively gentle bend south of the site. The subject site has a tree lined roadside boundary, beyond which is a wire fence and a low stone wall. Pockets of water were visible throughout the site, after a prolonged period of dry weather. A laneway to the north of the site leads to a number of one-off houses.
- 1.2. Photographs and maps are attached in Appendix 1.

2.0 **Proposed Development**

- 2.1.1. Outline planning permission was sought for the construction of a house and garage of (total floor area 278sq.m.) and on-site waste water treatment system on a site of 0.81ha.

3.0 **Planning Authority Decision**

- 3.1.1. **Environment Report:**
- 3.1.2. **Irish Water:** No objection
- 3.1.3. **Area Engineer:** No objection, subject to conditions. Local road L-2605-24 is part of Wild Atlantic Way and is very busy in the summer – requirement for tree removal and full boundary setback for entire site frontage.
- 3.1.4. **Environmental Scientist:** No objection.
- 3.1.5. **Planning Report:** The subject site is located on a designated scenic route but can be accessed from an adjoining cul-de-sac. Killala Bay / Moy Estuary SAC / SPA is 500m to the west. Proposal generally complies with CDP but selected site is unacceptable given the need to remove 77m of a distinctive treeline that contributes to the scenic character of the area. Alternative site would remove this impact. Proposal does not comply with housing need requirement of Enniscrone LAP as no evidence of housing need submitted, Refusal recommended.

3.2. **Planning Authority Decision**

3.2.1. On the 9th February 2017 Sligo County Council issued a notification of their decision to REFUSE outline planning permission for the following reasons:

1. The construction of a dwelling and garage on the subject site at Lecarrownaveagh, Co. Sligo would require the removal of a substantial number of roadside trees, thereby having a negative impact on the character of the scenic road L-2605-24 and the rural landscape at this location and contravening the landscape protection policies P-LCAP-3 and P-LCAP-5 as well as objective O-LCAP-7 of the Sligo County Development Plan 2011-2017. The proposed development would therefore be injurious to the visual amenities of the area.
2. The proposed development is located within the buffer zone defined in the Enniscrone Local Area Plan 2014-2020. The applicant did not demonstrate a need for a single rural house in the buffer zone as required by Policy HP-6 of the Local Area Plan. It is the policy of the Planning Authority to manage rural housing development in such areas and to accommodate proposals only in cases of proven need of immediate family members of locally resident families who wish to build on their own land and have no suitable options on their holdings outside the buffer zone. No details have been submitted by the applicant in this regard. In the absence of an established need for a single house in the buffer zone defined in the Enniscrone Local Area Plan, it is considered that the proposed development would conflict with policy HP-6 of the Local Area Plan, would set an undesirable precedent for further similar development in the buffer zone and would be contrary to the proper planning and sustainable development of the area.

4.0 **Planning History**

4.1.1. Planning Authority reg. ref. **PL16/385** Application for outline permission sought for a house, domestic garage and on-site WWTS was withdrawn.

5.0 Policy Context

5.1 Sustainable Rural Housing Guidelines for Planning Authorities

5.1.1 The guidelines refer to criteria for managing rural housing requirements whilst achieving sustainable development. Among the policy aims identified for sustainable rural housing are;

- Ensuring that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.
- Managing pressure for overspill development from urban areas in the rural areas closest to the main cities and towns such as the gateways, hubs and other large towns.
- The planning authority should establish if the proposal is intended to meet a genuine rural housing need.

5.1.2 According to Map 1 Indicative Outline of NSS Rural Area Types the subject site is located in an area which is classified as being an **Area under Strong Urban Influence**.

5.1.3 The guidelines stress that development driven by cities and larger towns should generally take place within their built up areas or in areas identified for new development through the planning process. Appendix 3 of the Guidelines state that the key development plan objectives in these areas 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. In addition, policies will also normally include references to:

- The types of situations considered as constituting rural generated housing. (See also Section 3.2.2.),

- Measures that will be put in place to facilitate the availability of an appropriate level of housing options in smaller settlements for other housing requirements,
- The criteria that will be applied by the planning authority generally in assessing rural generated housing proposals e.g. in relation to evidence of an applicant's links to the area in question, and
- The measures to be adopted to ensure that development permitted to meet the requirements of those with links to the rural community continues to meet the requirements for which it was permitted.

5.1.4 The Guidelines require that new houses in rural areas are sited and designed to integrate well with their physical surroundings and generally be compatible with:

- the protection of water quality in the arrangement made for onsite wastewater disposal facilities
- the provision of a safe means of access in relation to road and public safety and
- the conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.

5.1. **Sligo County Development Plan 2011-2017**

5.1.1. **Figure 7.D** of the development plan shows the adjoining public road L-2605-24 as a designated scenic route. **Section 7.4.3** of the plan states that Scenic Routes are public roads that coincide generally with popular tourist routes passing through or close to Sensitive Rural Landscapes, or adjoining Visually Vulnerable Areas, and affording unique scenic views of one or more distinctive natural features.

5.1.2. Policies of note include:

- **P-LCAP-3** Protect the physical landscape and visual character of the County.
- **P-LCAP-5** Protect and enhance the visual qualities of rural areas through the sensitive design of necessary development.

- **O-LCAP-7** Preserve the scenic views listed in Appendix G by controlling development along designated Scenic Routes and other roads, while facilitating developments that may be tied to a specific location or to the demonstrated needs of applicants to reside in a particular area. In all cases, strict location, siting and design criteria shall apply, as set out in Section 12.3 Residential Development Standards.

5.2. **Enniscrone LAP 2014-2020**

- 5.2.1. The subject site is located in the Buffer Zone of Enniscrone LAP. The objective for such areas is to contain and consolidate the settlement, while safeguarding land for its future expansion and for the provision of strategic infrastructure. The plans states that the buffer zone is to be used principally for agriculture. New roads and buildings should be constructed so as to minimise their visual and environmental impact. Proposals for one-off housing shall only be accommodated in cases of proven need, i.e. immediate family members of local farming families who wish to build on their own land and have no other suitable option on their holdings outside the buffer zone. Residential development is open for consideration in buffer zones.
- 5.2.2. Section 3 of the Lap states that it is a policy of Sligo County Council to Reserve the buffer zone principally for agricultural use (**BZP-1** refers) and Ensure that the siting and construction of new roads and buildings in the buffer zone minimises their visual and environmental impact (**BZP-2** refers).
- 5.2.3. Section 5.4 of the LAP refers to housing in the buffer zone, noting that there is evidence of ongoing pressure for one-off housing in an extended rural area around Enniscrone from those who commute to Ballina for work. Proposals for single houses will be subject to policies HP-6 and HP-7, which states as follows:
- 5.2.4. **HP-6:** Accommodate proposals for one-off rural housing only in cases of proven need of immediate family members of locally resident families who wish to build on their own land and have no suitable option on their holdings outside the buffer zone, whilst ensuring the protection of designated sites through screening for Appropriate Assessment at project level.

5.2.5. **HP-7** Encourage the sensitive renovation or replacement of existing vacant or derelict structures, as opposed to new build.

6.0 **The Appeal**

6.1.1. A first party appeal of the Council's decision can be summarised as follows:

- The proposed development will not require the removal of a substantial number of roadside trees as alleged in the County Council reason for refusal. The proposed entrance requires 33m of trees to be removed which is 18% of the frontage of the field and 6% of the frontage of the family landholding. The roadside boundary is important to the family and they seek to limit its removal.
- The removal of a relatively small section of hedgerow and trees is not contrary to policy P-LCAP-3 of the Sligo CDP as it will have only a limited and local impact and very little impact on the character of the county.
- Utility providers have cut the trees and hedges recently. Photo submitted.
- It is not possible to state that the proposed development is contrary to policy P-LCAP-5 as no design of the proposed dwelling has been submitted and the retained treeline will screen the dwelling. Permission was granted and extended to the applicant's sister for a two storey dwelling adjacent to the subject site.
- The proposed development will not detract from the protected view that is Killala Bay and is not contrary to policy O-LCAP-7.
- The proposed development complies with housing policy HP-6 as the subject site is on family land and will be the applicants permanent home. The subject site is within the buffer zone of the Enniscrone LAP.
- The Board is requested to grant permission.

6.2. **Planning Authority Response**

6.2.1. The Planning Authority response to the appeal can be summarised as follows:

- The area engineer's report indicates that the proposed development would require the removal of 77m of the roadside treeline. This tree line is a distinctive element of the scenic character and its destruction would have a significant visual impact. This would have an obvious negative impact on the physical landscape and visual character.
- Hedge trimming carried out recently has removed only branches that would interfere with communication cables. It does not remove trees and hedgerows and has a transitory impact on the scenic character.
- The planners report identified that the proposed entrance on to the local road is not necessary as other options exist within the landholding. Permission granted to the applicant's sister on an adjacent site provided access from the cul-de-sac lane and not the scenic route. Condition 2(b) of that decision requires that except for the creation of the entrance, all existing trees and hedgerows on site shall be retained.
- Scenic routes have intrinsic visual qualities and the availability of outstanding views is only one of the criteria for designating a route. The proposed development would involve removal of a substantial portion of the roadside boundary that makes up the distinctive character of the road.
- No evidence of a housing need was submitted with the application.
- The subject site is not the only site available to the applicant.

7.0 **Assessment**

On reading of all documentation submitted with the appeal, I consider the issues to be:

- Rural Housing
- Roadside Boundary
- Appropriate Assessment

7.1. Rural Housing Policy

- 7.1.1. The subject site is located in an area designated as being under Strong Urban Influence in the Sustainable Rural Housing Guidelines for Planning Authorities. This national guidance on rural housing states that in areas under a strong urban influence the key objective should be to facilitate the housing requirements of the rural community whilst directing urban generated development to cities towns and villages. Rural generated housing is defined as being housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas. Urban generated housing is defined as housing sought by persons living and working in urban areas. The Applicant has not provided details of a need to live in this area nor details of employment which would define the housing need as urban or rurally generated.
- 7.1.2. As noted in section 5.2 above, the subject site is located in the buffer zone of the urban settlement of Enniscrone. The application for outline planning permission did not provide details of the applicants housing need. Details on the pre-planning file and appeal indicate that the applicant currently lives in New York and is planning to return to live on the subject site permanently.
- 7.1.3. Policy HP 6 of the Enniscrone LAP provides that proposals for one-off housing shall only be accommodated in cases of proven need, i.e. immediate family members of local farming families who wish to build on their own land and have no other suitable option on their holdings outside the buffer zone. The applicant has not provided details of such a need and therefore does not comply with the rural housing policies of the LAP. The proposed development is not in accordance with policy BZP1 of the Enniscrone LAP which seeks to reserve the buffer zone primarily for agricultural use and policy HP6 of the same LAP which requires that applications for one-off rural housing be on the basis of a proven housing need.
- 7.1.4. I am satisfied that the Applicant has not demonstrated compliance with national or local policy on residential development in un-zoned rural areas under strong urban influence.

7.2. **Roadside Boundary**

- 7.2.1. The appeal states that only 33m of trees and hedgerow will be removed as part of the proposed development. I note that the area engineers report requires a full boundary to be set-back and tree removal. The engineering report notes that the local road is part of the Wild Atlantic Way and is very busy during the summer months. The removal of the entire tree and hedgerow frontage (which amounts to approximately 77m) along the entire site boundary would have a significant negative visual impact along this scenic route. I am satisfied that the removal of the tree line which forms part of the character of this scenic route would be in contravention of policy O-LCAP-7 of the County development plan and policy BZP1 and BZP2 of the LAP.
- 7.2.2. Further the proposed development is considered to be contrary to policy P-LCAP-3 which seeks to protect the physical landscape and visual character of the County and policy P-LCAP-5 which seeks to protect and enhance the visual qualities of rural areas through the sensitive design of necessary development.

7.3. **Appropriate Assessment**

- 7.3.1. The subject site is 0.52km from the Killala Bay / Moy Estuary SAC and SPA. Noting that the application is for outline planning permission and therefore no details of the proposed waste water treatment system have been provided, it is not possible at this point to definitively state that the proposed development will not have adverse effects on the qualifying interests and / or the integrity of the adjoining Natura 2000 sites. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the sites, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

8.0 RECOMMENDATION

8.1.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Sligo County Development Plan 2011 – 2017 and the Enniscrone LAP 2014 -2020 all other matters arising. It is considered that the proposed development does not comply with national or local policy on residential development in rural areas, will remove a significant extent of treeline on a designated scenic route and has not demonstrated that the adjoining Natura 2000 sites will not be adversely affected. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. I recommend permission be refused for the following reason

- 1 The site of the proposed development is in a rural location in the buffer zone of the Enniscrone LAP, in an area where housing policy HP6 applies and the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005. It is considered that the applicant does not come within the scope of the criteria for housing need necessitating a dwelling at this location. The proposed development would, therefore, conflict with the provisions of the guidelines and with the policy of the planning authority and would be contrary to the proper planning and sustainable development of the area.
2. Based on the plans and particulars submitted with the application it is considered that the proposed development would adversely impact on the roadside hedge and the trees contained therein (by virtue of the need to carry out certain works to achieve adequate sightlines). The proposed development would, therefore, be contrary to policies O-LCAP-7, P-LCAP-3 and P-LCAP-5 of the Sligo County Development Plan 2011- 2017 and policies BZP 1 and BZP 2 of the Enniscrone LAP 2014-2020. The proposed development is considered to be contrary to the proper planning and sustainable development of the area.
3. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied 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 Nos. 00458 and

004036, or any other European site, in view of the site's Conservation Objectives.
In such circumstances the Board is precluded from granting approval/permission.

Gillian Kane

Gillian Kane
Planning Inspector

08 May 2017