



An
Bord
Pleanála

Inspector's Report PL93.248454

Development	Dwelling, entrance, waste water treatment system, etc..
Location	Ballylane, Grange, County Waterford.
Planning Authority	Waterford City and County Council.
Planning Authority Reg. Ref.	17/124.
Applicants	Michelle Beausang and Aidan Webster.
Type of Application	Outline Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellant(s)	Same.
Observer(s)	None.
Date of Site Inspection	25 th July 2017
Inspector	Philip Davis

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1.0 Introduction

This appeal is by the applicants against the decision of the planning authority to refuse outline planning permission for a dwelling in a rural area – the reason for refusal relates to the pattern of development and policy.

2.0 Site Location and Description

Ballylane townland is located on a south facing scarp slope overlooking the Ardmore peninsula and Ardmore Village in County Waterford. The townland is mostly open grazing land, with scrub on higher ground to the north. The area is relatively sparsely populated, with individual dwellings and small ribbons of development along an east to west running minor road known as Bally Lane that runs along the base of the scarp. The site is some 2.5 km north-west of the historic village of Ardmore, and about 3.5 km from the village by road.

The appeal site is located on the northern side of Bally Lane at a point where a minor cul-de-sac private road runs north serving a small number of dwellings. It is a rectangular field with a site area given as 0.20 hectares. It rises slightly in levels to the north from the road. There is a ditch at the boundary with the road. Adjoining to the east are two bungalow dwellings, with a field to the west. Opposite, and to the south-west is a small cluster of about 5 dwellings. The site is 3.4 km by road from the centre of Ardmore village.

3.0 Proposed Development

1 and a half storey dwelling, entrance, wastewater treatment system with percolation area, borehole, soakpits and all other associated site works.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse permission for a reason I would summarise as follows:

- Taken in conjunction with existing housing in the area, it would create a pattern of undesirable ribbon development and would thus be contrary to the recommendations of the Sustainable Rural Housing Guidelines and Table 10.3 of the Waterford County Development plan and would detract from the character of the area.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

It is stated that a previous application (16/437) was refused for policy grounds, and this was considered not to have changed. It is accepted that the applicant has a 'genuine local need', but that the original technical grounds for refusal have not been overcome. A refusal is recommended.

4.2.2. Other Technical Reports

A screening assessment attached to the report concludes that significant impacts can be ruled out.

A 'planner's advice note' written following a pre-planning meeting outlined some of the main planning issues – this note indicates that it would be considered ribbon development.

4.3. **Prescribed Bodies**

None on file.

4.4. **Third Party Observations**

Richard & Sylvia Mooney of Ballylane objected for reasons relating to the previous refusal and concerns about drainage and water contamination.

5.0 **Planning History**

A similar proposed dwelling on the same site was refused permission in 2016 for the same reasons (**16/437**).

6.0 Policy Context

6.1. Development Plan

The site is in open countryside zoned A for agriculture '*To provide for the development of agriculture and improve rural amenity*' in the Waterford County Development Plan 2011-2017. Rural settlement policy is set out in Sections 4.7 to 4.13 of the Plan. Relevant extracts are attached in the appendix to this report.

6.2. Natural Heritage Designations

The closest Natura 2000 site is the Ardmore Head SAC, which is approximately 4 km to the south.

7.0 The Appeal

7.1. Grounds of Appeal

- It is argued that they have a genuine case for local need – they are the owners of the site and there is a shortage of suitable housing in Ardmore.
- They have had to live with parents 2 miles from the site or in rental in a holiday cottage and are in an unsustainable living situation. It is emphasised that this is not an opportunistic or financially motivated application, they wish to set up a family home and are from the area.
- It is argued that there is not an excessive density in the area and there is not yet a ribbon of development along the road.

7.2. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

7.3. Observations

None

8.0 Assessment

8.1. Principle of development

The appeal site is in open countryside. The area is indicated in the Rural Strategy Map in the Development Plan as being 'under strong urban pressure' in accordance with the recommendations of the Sustainable Rural Housing Guidelines. I would note that the area is not within easy commuting distance of any major urban area, the local development pressures seem mostly to come from holiday and second homes. I would consider the area to have the characteristics of both an area under urban pressure and a 'strong rural area'. In such areas, the Development Plan, reflecting the Sustainable Rural Housing Guidelines, sets out policies restricting development in such areas, with exemptions set out for cases of genuine local housing need. Policies SS3 to SS7 set out the details, but in summary they are intended to deflect housing need to established zoned areas in towns and villages, but allow development when there is a demonstrated local need. The planning authority do not dispute that the applicants have demonstrated a local housing need, but state that the refusal is based on the technical merits of the applicants – that the site is inappropriate due to existing excessive levels of development for a rural area in line with the criteria set out in Table 10.2 of the Development Plan ('Minimum Standards for Individual Houses in Rural Areas').

8.2. Pattern of development

The site is on high ground on rural roads just over 3 km from the village centre of Ardmore. Ardmore is a prospering tourism centre, but is small and only has a limited range of shops and services for permanent residents. Youghal and Dungarvan would be the nearest towns with a significant range of services.

The Sustainable Rural Housing Guidelines defines ribbon development as a line of 5 dwellings along a 250 metre frontage. If granted, the proposed dwelling would be the third in a row, with another dwelling approximately 250 metres to the west (all the dwellings along this stretch are relatively recent in construction). Between these dwellings, there is a cul-de-sac private road providing access to at least three other dwellings. To the west and opposite the appeal site there is a line/cluster of five older dwellings. There is a significant scatter of mostly new dwellings along the length of Bally Lane and there is no doubt that there is a trend for such random road

frontage development which if it continues will cohere to a linear development overlooking Ardmore. Further east, along more minor roads running to the coast, the concentration of one-off dwellings gets denser and has developed into a series of loose clusters of dwellings and holiday homes.

I would note in this regard that the village of Ardmore has a small amount of undeveloped residentially zoned land. The Development Plan states that a significant constraint on development is inadequate pressure in the public water supply (I note that the towns supply comes from a site close to Bally Lane).

There is, as always, a subjective element to balancing up the gradual degradation of the local countryside through a sprawl of housing, with the demonstrated housing need of the applicant. The planning authority seem to have come to the conclusion that Bally Lane has hit its capacity to absorb further random development and as such refused planning permission, notwithstanding its acceptance of the housing need case. While it may to an extent be a somewhat belated conclusion given the number of similar such developments in the area, I concur that there has been an excessive number along this generally unserviced road and that current trends are unsustainable.

8.3. Traffic and safety

Bally Lane is a generally long and straight third class road with the default rural speed limit which follows the base of a gentle scarp overlooking Ardmore. There is one gentle 'kink' in the road just west of the appeal site. I noted during my site visit that the relatively open nature of the road seems to encourage quite high speeds from drivers. The road is not a major link road to Ardmore or Grange, but does seem to attract a significant amount of through traffic.

The sight lines at the road entrance appear to be adequate. There is a slight blind point to the west of the site where the road turns slightly south from west, but I would consider that minimum sight lines can be achieved. I would note that there is a significant proliferation of accesses at this point, both for houses and farms, which can only increase traffic dangers along the lane.

8.4. Public health

The applicants proposed that the site is served by a wastewater treatment plant to the front of the house, with a borehole well to the rear on higher ground on the

northern part of the site. This appears to be the pattern for the adjoining dwellings. The site characterisation form states that groundwater flow is to the north, which I would doubt, it is much more likely to follow the gradient south (due to the proposed layout, I assume this statement is an error). The site is over a locally important aquifer of moderate vulnerability (sandstones, shales and limestones), with an R1 groundwater protection response. The trial holes indicate a relatively shallow cover of quite permeable soil over bedrock (1.35 metres). There are no watercourses on or near the site.

While the site is less than ideal for a wastewater treatment system, it would seem to allow for one under the EPA Code of Practice. I would have strong reservations about having so many boreholes and wastewater treatment systems in a very tight area, especially with such shallow soil cover. But as this would be a new issue I do not recommend it as a reason for refusal.

8.5. Flooding

The site is not indicated on any available sources as being subject to flooding and there are no watercourses in the vicinity.

8.6. Other issues

There are no recorded ancient monuments or structures on the NIAH in the vicinity. If the Board decided to grant permission, the site would be subject to a standard S.48 development contribution.

8.7. Appropriate Assessment

The nearest SAC is the coastal Ardmore Head SAC site code 002123 which is designated for a variety of sea cliff and dry heath habitats. There are no pathways for pollution or any other means by which the proposed dwelling could have an effect on the species of this SAC, or other SAC's or SPA's in the region (there are no others within 10km). Having regard therefore to the small scale of the proposed development and its distance from any European Sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that the board uphold the decision of the planning authority to refuse outline planning permission for the proposed development for the following reasons and considerations.

10.0 Reasons and Considerations

Taken in conjunction with existing (and permitted) development in the vicinity, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and would contravene the policy of the planning authority, as expressed in the current Development Plan, to direct residential development to serviced centres (which policy is considered to be reasonable). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

10th August 2017