



An
Bord
Pleanála

Inspector's Report

PL06S.248758

Development	House with attached garage, utility and shower room building, two detached farm buildings and yard areas, access road and ancillary site works at Hynestown, Peamount Road, Newcastle, Co. Dublin
Planning Authority	South Dublin Co. Co.
Planning Authority Reg. Ref.	SD16A/0351
Applicant(s)	Maeve Walsh
Type of Application	Permission
Planning Authority Decision	Refuse
Appellant(s)	Maeve Walsh
Observer(s)	None
Date of Site Inspection	11 th of September 2017
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site is a large landholding located along Peamount Road (R120) just outside of Newcastle village. The land is in tillage use, and there are numerous linear developments on half acre site along the road frontage. The land holding is flat with mature hedgerows.
- 1.2 Access to the site is from an existing access along the R120, which provides a long access road to the subject location for the dwelling which is setback deep into the landholding and to the rear of two existing dwellings. There is a footpath fronting the roadside boundary of the site, and there is a bus stop beside the site.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development is for a four bedroomed detached two storey dwelling, a single storey attached garage, on-site wastewater treatment, two single storey detached farm buildings and an access road.

3.0 PLANNING AUTHORITY DECISION

- 3.1 South Dublin Co. Co. refused the proposed development for three reasons on 25th of May 2017.

1. The subject development is located in an area zoned RU to protect and improve Rural Amenity. The applicant has failed to demonstrate exceptional circumstances of a genuine need to live in the area. No evidence has been provided that the applicants needs cannot be met by her current accommodation or existing building stock.
2. The area is designated as the Dublin Metropolitan Area under the regional Planning Guidelines a for the Greater Dublin Area 2010-2022. There is a settlement strategy in the plan and the guidelines, and the proposal represents a proliferation of one-off housing in the area which is unsustainable.
3. Undesirable precedent.

3.2 TECHNICAL REPORTS

Planning Report

- **Zoning** The site is zoned RU which seeks to protect and improve rural amenity. Residential development that complies with

development plan policy is open to consideration under the zoning objective.

- Under previous planning application it was considered she had close family ties to the locality. There is a new development plan, under Policy H22 new houses will be permitted only in exceptional circumstances. The applicant states she helps her mother farm 150 acres, and she lives with her mother. Her brother farms 301 acres on the adjoining land. No details have been submitted to demonstrate the applicant's land ownership. Her proposals in terms of cattle breeding are different to those 12 months ago. She is not a full-time farmer but has a herd number. If she could further demonstrate her ties to the area and land holding details, she might be considered as an exceptional case.
- The visual impact of the proposal is acceptable as it is setback from the road. The applicant addressed first reason for refusal of the previous application, the siting is discreet and not considered to be ribbon development.
- Following requests for further information regarding the land holding, a revised house plans, the planning authority were not satisfied that the mother had two houses on her property, one of which was rented out and could accommodate the applicant and her family, and her lands are only two minutes from her landholding. Her father travelled a greater distance to farm the lands originally.

Landscape and Open Space Planning

No objections, the existing hedgerows are to be retained and protected.

Water Services

No objections subject to conditions

Environmental Health

No objections subject to conditions

3.3 Additional Information

The first letter dated 30/11/2016 requested:

- Illustrate on a map where the applicant currently resides and the location of immediate family members;
- Submit land registry details of applicant's land holding
- Submit land registry details of immediate family members land holding
- Reduce height of dwelling, and an accurately scaled layout drawing.

The response received on 16th of January 2017, with extensive information regarding ownerships and folio numbers.

Although the information submitted established strong local ties, it failed to address the second house on the mother's landholding. Submitted drawings are incorrectly labelled.

A second letter issues on 8th of February 2017 requesting

- Drawings to be correctly labelled
- Clarify status of second dwelling on mother's property

A response was received on 2nd of May 2017 addressing the outstanding issues.

3.4 THIRD PARTY SUBMISSIONS

There appears to be no third party appeals submitted.

4.0 PLANNING HISTORY

4.1 SD15A/0297

Permission refused to M. Walsh for construction of a two storey dwelling, and farmyards with 5 bovine calving units, fodder stores, stores, hay barn and a new access. The reasons for refusal are similar to the current proposal.

5.0 POLICY CONTEXT

5.1 National Policy

Sustainable Rural Housing – Guidelines for Planning Authorities 2005, issued by the DoEHLG in 2005 identify that Kildare falls within the areas under strong urban influence and also within the stronger rural areas. The guidelines advise that only people who are part of the rural community are facilitated for one-off housing and that there is careful management of the rural environs of major urban areas to ensure their orderly development in the future.

The DoEHLG *Circular Letter SP5/08 (2007)* provides advice and guidance in relation to local need and occupancy conditions. This is included in the Appendix of this report and the relevant extract is as follows:

Development plan policies based on section 3.2.3 (“Rural generated housing”) of the Sustainable Rural Housing Guidelines should continue to apply, in that persons who are an intrinsic part of the rural community, or

persons working full-time in rural areas, should be favourably considered in relation to rural housing. Notwithstanding the above, a bone fide applicant who may not already live in the area, nor have family connections there or be engaged in a particular employment or business classified within the local needs criteria, should be given due consideration within the proper planning and sustainable development objectives for the area subject to the following considerations:

such applicants may reasonably be required to satisfy the planning authority of their commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application, in order, for example, to discourage commuting to towns or cities; that they outline how their business will contribute to and enhance the rural community; and

that they satisfy the planning authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage applicants whose business is not location-dependent (e.g. telesales or telemarketing).

5.1 Development Plan Policy

2.5.0 Rural Housing

2.5.1 INTRODUCTION

South Dublin County's rural hinterland is an important resource for the County and the Dublin Region. The rural landscape incorporates places of scenic and natural beauty together with popular recreational amenities. The rural belt also provides an important green buffer between the built up area of Dublin, rural settlements and urban centres in adjoining Counties.

The Sustainable Rural Housing Guidelines for Planning Authorities, DEHLG (2005) identify the rural areas of South Dublin County as areas that are under strong urban influence for housing. The Rural Housing Guidelines advise that planning authorities should distinguish between urban and rural generated housing in areas under strong urban influence and that urban generated housing should be directed into designated settlements. The Landscape Character Assessment of South Dublin County (2015) highlights the high landscape value and sensitivity of the rural hinterland areas of the County, given the proximity to Dublin. The protection of rural landscapes and of high amenity and environmentally sensitive areas is a priority of the Development Plan.

The Council acknowledges the distinctive characteristics of the rural communities of the County, supports their way of life, and through the policies of this Development Plan, will endeavour to ensure their continued existence as viable communities. This includes cognisance of the demand to provide support for dependents including family members and older parents in rural areas through dwelling subdivision. Further to the Rural Housing Guidelines and Circular SP 5/08, the County

Development Plan sets out to strike a balance between facilitating housing for people who have a genuine need to live in rural areas of the County and that will contribute to the rural community, while protecting such areas from urban generated housing and housing that would adversely impact on landscape character, environmental quality and visual amenity.

It is the policy of the Council to restrict the spread of dwellings into rural and high amenity areas. The rural housing policies contained in this Development Plan apply to lands that are designated with the following zoning objectives:

RU: To protect and improve rural amenity and to provide for the development of agriculture.

HA-DM: To protect and enhance the outstanding natural character of the Dublin Mountains Area.

HA-LV: To protect and enhance the outstanding character and amenity of the Liffey Valley.

HA-DV: To protect and enhance the outstanding character and amenity of the Dodder Valley.

Applications for housing in these zones will also be assessed against other relevant policy considerations and standards, as set out in Chapter 11 Implementation.

HOUSING (H) Policy 20 Management of Single Dwellings in Rural Areas

It is the policy of the Council to restrict the spread of dwellings in the rural “RU”, Dublin Mountain ‘HA-DM’, Liffey Valley ‘HA-LV’ and Dodder Valley ‘HA-DV’ zones and to focus such housing into existing settlements.

2.5.2 RURAL HOUSING POLICIES AND LOCAL NEED CRITERIA

Rural generated housing arises where the applicant is indigenous to the rural area or has close family links to the rural area or who works in a type of employment intrinsic to the rural economy, which requires the applicant to live in the rural area to be close to their rural-based employment. Urban generated housing arises where the applicant has no indigenous links with the rural area, currently lives and works in the urban area and wishes to live in the rural area.

HOUSING (H) SOUTH DUBLIN COUNTY COUNCIL DEVELOPMENT PLAN 2016 - 2022 41

HOUSING (H) Policy 21 Rural Housing Policies and Local Need Criteria

It is the policy of the Council that in accordance with the Sustainable Rural Housing Guidelines DEHLG (2005) and Circular SP 5/08 Rural Housing Policies and Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty, “persons who are an intrinsic part of the rural community” or “persons working full-time or part-time in rural areas” as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines (2005) shall be favourably considered in relation to rural housing.

2.5.3 RURAL HOUSING IN RU ZONE

HOUSING (H) Policy 22 Rural Housing in RU Zone

It is the policy of the Council that within areas designated with Zoning Objective ‘RU’ (to protect and improve rural amenity and to provide for the development of agriculture) new or replacement dwellings will only be permitted in exceptional circumstances.

H22 Objective 1:

To consider new or replacement dwellings within areas designated with Zoning Objective “RU” (to protect and improve rural amenity and to provide for the development of agriculture) where:

The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) OR

The applicant has close family ties with the rural community.

6.0 THE APPEAL

- 6.1 The appeal has been brought by Paul O' Connell & Associates on behalf of the applicant Maeve Walsh. I have summarised the relevant points made in the appeal submission which relies heavily on quoting long extracts from the plan and rural housing guidelines, and is somewhat repetitive in content.

The Board should note the applicant had applied for planning permission under reference 15A/0297 which was lodged on 1st of October 2015. The applicant had been seeking planning permission for a dwelling house prior to the new development plan been adopted. The applicant has always maintained she lives with her mother a distance from her land holding. After the first refusal of 15A/0297, the applicant consulted with the planning authority, and the applicant was sent an email form the planning authority 16th of February 2016, which gave her hope that permission would be favourable.

- 6.2 Under the Assessment Section of the Planning Report there are points worth noting:

- The applicant was considered to have strong local ties under SD15/0297, and not under the current application.
- The proposed development is not considered to be ribbon development
- The design of the dwelling is considered to be acceptable
- The existing agricultural access is to be upgraded
- The land is to be farmed and the applicant has strong family ties to the area.

It is clear from the assessment that the planning authority has indicated new issues that were previously resolved. The first been 'exceptional circumstances' when or when not such exceptional circumstances may arise. In the absence of such a consideration, the issue of exceptional becomes subjective. The planning authority has reserved themselves an entitlement to ignore the other provisions of the development plan and government guidelines.

The reference to 'exceptional' in the context as it appears on page 42, would suggest that categories are intended to show compliance with categories where rural housing is concerned rather than some arbitrary assessment of the meaning 'exceptional'.

- 6.3 Reason no. 1 does not say the applicant has failed to comply with government or planning authority policy relating to a genuine need to live in the area or that the applicant has close family ties to the area. It states that no exceptional circumstances to justify a dwelling in this location has been established and that no evidence has been provided that the applicants needs cannot be met by her current accommodation or building line. The applicant lives with temporary accommodation with her mother and has no control over the housing stock.
- 6.4 Reason No. 2 is essentially padding and included to bulk the reasons for refusal. The proposal does not constitute ribbon development.
- 6.5 The applicant has stood up to scrutiny under the current and previous applications, and it is unfair to suggest that she would create similar applications. For precedent to be established all of the principles including design, personal circumstances etc would need to be matched. As the planning authority raised this issue the Board may wish to consider SD14A/0164 and SD14A/0196 as permissions relatively nearby.
- 6.6 The planning authority did a complete turnabout regarding the proposed development at a very late stage in the assessment of the case. The planning authority does not comply with the Sustainable Rural Housing Guidelines in that they are preventing a farming native living in the area. She has a genuine need to live in the area and will contribute to the rural community. The proposal is not an urban generated housing, it is a farm dwelling.

- 6.7 The attitude of the planning authority as regards this proposal contrasts hugely with continued decisions to rezone significant areas of land to facilitate the expansion of Grange Castle Business Centre, which adversely impacts on visual and environmental amenity.
- 6.8 Rural Housing policy 20 does not mention the 'exceptional circumstances' just that it aims to stop the spread of housing. The applicant complies in full with Policy 2.5.2. Grouped together with 2.5.3 is a reference to H22 Objective 1 where that applicant has a genuine need to live in the area or has close family ties, and where is exceptional in these instances. It is clear the applicant has satisfied compliance with requirements of the National Spatial Strategy
- 6.9 On appeal the applicant Maeve Walsh has made a submission and it can be summarised as follows:
- She was born and reared in Newcastle. He made her communion and was married in Newcastle church. The land is owned and farmed by her family for 3 generations. She is a qualified vet and assists her faming. She owns 70acres of land, and she wishes to farm suckler animals, which requires a high levels of hands on management and on site supervision.
 - The applicant currently lives with her mother. The family home is a distance from the land holding which was originally farmed by her father, but it was tillage farming and did not involve livestock. Her two brothers own the adjoining 231 acres, and her mother owns 150acres at the family homestead.
 - This current application addressed all of the previous reasons for refusals on the 2015 planning application. The current application was protracted process of further information's and clarifications submissions, which resulted in a refusal. This could have avoided undue and unnecessary financial outlay if the planning authority had just refused it in the first place.
 - According to the Teagasc, the applicant inherited the 70acres form her uncle
 - A letter from the applicants' mother is also included outlining the temporary arrangement of allowing the applicant, her husband and children to reside at her house.

6.4 RESPONSES

The planning authority responded to the appeal and it had nothing further to add.

7.0 ASSESSMENT

7.1 The proposed development is for a one off rural house outside of Newcastle village in South County Dublin. The proposal also includes for agricultural buildings. The applicant, Ms Maeve Walsh has applied for planning permission on two occasions, once in 2015 under the previous development plan governing area, and the current application has been assessed under the policies of the newly adopted South County Dublin Development Plan. I wish to assess the current proposal under a number of headings:

- Previous planning application
- Development Plan Zoning
- Compliance with Rural Housing Policy
- Access/ Traffic
- Sewage treatment
- Visual Impact

7.2 Previous Planning Application

The applicant, Ms Maeve Walsh, applied for planning permission in October 2015 for a four bedroomed detached dwelling, domestic garage, a farmyard including farm buildings on the same lands as the current appeal, however the site layout was different and there were other materials changes. The planning authority refused the proposed development for 5 reasons:

- The development is considered to be ribbon development. There are 16No. dwellings along 650metres of rural road. It would materially contravene zoning objective B which seeks to provide for the development of agriculture and would be contrary to the Sustainable Rural Guidelines.
- The dwelling is of large mass and scale and would result in the significant alteration of the agricultural character of the area, and materially contravene policy H42 as the design is dominant and intrusive.
- The proposal would lead to the removal of 26mtres of mature indigenous hedgerow and be contrary to Policy LHA18
- The development is contrary to the regional and national planning guidelines on rural housing
- Undesirable precedent.

Since the previous refusal a new County Development Plan has been adopted in South County Dublin. The current application was assessed under the merits of the newly adopted planning policies of *South Dublin County Development Plan 2016-2022*. In order to address the previous

reason for refusal, the new dwelling and agricultural buildings were relocated to a different area on the landholding, and away from the entrance along Peamount Road. There is an existing mature hedgerow that will screen the proposal from public view. In addition, the scale of the dwelling was substantially reduced, and the existing hedgerow along Peamount Road will be retained. Precedent is unlikely given the size of the applicant's landholding. The proposed development will not have a negative impact on the Regional Settlement Strategy.

- 7.3 In my opinion, the applicant has addressed all of the reasons for refusal of the previous planning application **SD15A/0297**. The revised design addressed the issues of ribbon development, loss of hedgerow and the visual impact of the dwelling. The issue of precedent was not relevant as this is a unique case given her family's farming connections to the immediate area, her family's extensive land holding and her own landholding. In my opinion, the only new issue arising under the new planning application, is the new planning policies adopted under the new county development plan which is assessed below.

7.4 Development Plan Zoning

The subject site is located a short distance from Newcastle village along Peamount Road which is a Regional Road characterised with a heavy build-up of linear developments. The site and larger land holding is in tillage, and during my inspection I noted a crop had been recently harvested from the field.

The site is zoned ***RU: To protect and improve rural amenity and to provide for the development of agriculture.***

The applicant is a qualified veterinary surgeon, she has her own herd number, and she proposes a suckler farm on her 70acres alongside the subject site and new dwelling house. The principle of the proposed development is in keeping with the underlying agricultural zoning for the area.

7.5 Compliance with Rural Housing Policy

The newly adopted Rural Housing Policy relevant to the proposed development is as follows:

'Rural generated housing arises where the applicant is indigenous to the rural area or has close family links to the rural area or who works in a type of employment intrinsic to the rural economy, which requires the applicant to live in the rural area to be close to their rural-based employment. Urban generated housing arises where the applicant has no indigenous links with the rural area, currently lives and works in the urban area and wishes to live in the rural area.'

The applicant has clearly demonstrated under both planning applications that she qualifies as a local needs applicant and this is a rural generated housing need. She has generations of family ties directly linked to the townland and the general area, she lives with her mother, her husband and children within a short distance from the subject site at Milltown. Her

brothers own the adjacent farms of 301 acres and her mother runs her late father's farm of 150 acres, all of which are within the local parish. The applicant inherited her 70 acres from her uncle in 2001. I have examined the supporting documentation, in particular the further information submitted on the 16th of January 2017 which outlined in clear detail the land holdings, folio numbers of the Walsh family. The Board should note the extensive land holding of the Walsh family in the Hynestown, Milltown and Kilmactalway area of Newcastle represented in the submission.

HOUSING (H) Policy 21 Rural Housing Policies and Local Need Criteria

It is the policy of the Council that in accordance with the Sustainable Rural Housing Guidelines DEHLG (2005) and Circular SP 5/08 Rural Housing Policies and Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty, "persons who are an intrinsic part of the rural community" or "persons working full-time or part-time in rural areas" as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines (2005) shall be favourably considered in relation to rural housing.

The applicant has demonstrated she is an intrinsic resident of the local rural community and will continue to work full-time as a large animal veterinary surgeon and part-time as a suckler herd farmer on her own landholding.

2.5.3 RURAL HOUSING IN RU ZONE

HOUSING (H) Policy 22 Rural Housing in RU Zone

It is the policy of the Council that within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) new or replacement dwellings will only be permitted in exceptional circumstances.

H22 Objective 1:

To consider new or replacement dwellings within areas designated with Zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) where:

The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) OR

The applicant has close family ties with the rural community.

The applicant has demonstrated FULL compliance with this policy. I disagree with the planning authority's first reason for refusal whereby it considers the applicant has failed to demonstrate 'exceptional circumstances'. Reason No. 1 states there has been no justification

presented by the applicant for a dwelling house, and that the applicant's housing needs can be met by existing housing stock within the landholding. In my opinion the use of the 'exceptional circumstances' is wholly inappropriate by the planning authority and demonstrates the lack of understanding of the Sustainable Rural Housing Guidelines and the ethos underlying the local needs planning policy for rural housing. Firstly, the applicant is a landowner of a substantial piece of land 70 acres. She proposes a suckler farm and is a qualified large animal veterinary surgeon. She has provided evidence of this ownership. She lives with her mother a short distance from her landholding with her husband and two children. In my opinion, under the ethos of rural housing she is entitled to a dwelling in principle on her own landholding providing all environmental and planning parameters are met with. The issue of 'exceptional circumstances' is not clarified in the planning policy. At one point 'exceptional circumstances related to health matters etc' or within 'exceptional' landscapes, now it would appear the planning authority are imposing it upon all cases within the rural area of South Dublin, without any explanation as to what is considered to be exceptional. Certainly the local landscape at Hynestown cannot be described as of exceptional amenity quality. This policy is unacceptably vague in my opinion should not be imposed on the applicant as she has demonstrated a clear and unambiguous need to live in this area where she was born and reared and in fact owns the land herself.

- 7.6 The planning authority's main concern appears to be, the applicant resides with her mother at the farm previously owned by the applicant's late father at Milltown, Newcastle. Also on that property is another dwelling that was originally occupied by the applicant's parents but is now rented out as a source of income for the applicant's mother. On appeal, the applicant's mother submitted a letter to the Board stating the planning authority made a number of incorrect assumptions regarding her property. She has clarified that she is providing the applicant with accommodation in her house on a temporary basis until the applicant can construct her own home on her own landholding. She has no intention of evicting the tenants from the second house on her property as that is her source of income and would show favouritism over one sibling for another, and this could result in problems for the entire family longterm. This is a reasonable explanation for anyone with a basic understanding of rural landholding, farms, family entitlements and inheritance. I personally consider the planning authority is being unreasonable expecting the applicant to live in the second home on the mother's landholding and attend to suckling cattle and calving on her own landholding at Hynestown. Her father could manage both farms because he was a tillage farmer and that does not involve animal husbandry. In my opinion, it is irresponsible and contrary to good animal practice and welfare to expect a farmer to reside away from their animals especially gestating pedigree cattle, who require a lot close supervision and hand on attention during calving times.
- 7.7 In my opinion, the applicant fully complies with the local development plan policy. Having regard to the above assessment, reasons No. 2 and 3 are not relevant. The applicant complies in full with the National Spatial Strategy, Sustainable Rural Housing Guidelines and the Regional Planning Guidelines. In terms of Reason No. 3, this is a form of rural development

that should be encouraged in rural areas and it will not set an undesirable precedent similar to one off urban generated housing, or dwellings in rural areas on small landholdings.

7.8 Access/ Traffic

Access to the subject development is from an existing agricultural access along the R120 Peamount Road at circa 1km from the edge of Newcastle village. There is a footpath fronting the subject site, and a bus stop in close proximity. The footpath is dished along the front of the existing access. There are clear sightlines along the R120 for distances of up to 140metres in both directions.

7.9 Sewage Treatment

It is proposed to install a packaged wastewater treatment system with a polishing filter. There was a trial hole dug to a depth of 2.4metres on site and no underlying rock was encountered. The water table was not encountered either. I noted during my inspection the land appeared to be very well drained with no evidence of ponding or waterlogging. The Environmental Health Officer recommended permission with conditions in his report 25th of November 2016.

7.10 Visual Impact

The dwelling is set back considerably into the landscape away from the public road to the rear of existing ribbon development. The roadside hedgerow will be maintained under the proposals. The dwelling is a four bedroomed dormer style bungalow. The receiving rural environment can be classified as a Regional Road heavily flanked by linear development. Given the amount of land owned by the applicant and the depth of the land and existing indigenous site boundaries, I believe a more traditional vernacular style two storey dwelling would have been appropriate on the landholding as opposed to a contemporary dormer bungalow. However, the planning authority requested a modest dwelling after the applicant had applied for a 460sq.m four bedroomed house under planning reference **SD15A/0297**, which was totally out of context in terms scale and massing on the landscape, and would have been a monolithic monstrosity when viewed from the surrounding area. I believe the scale and proportions of the proposed dwelling are acceptable in the context of the backland location of the proposed dwelling.

8.0 RECOMMENDATION

Overall, the development is acceptable in principle on the subject site, and the planning authority's decision to refuse planning permission for the proposed development should be overturned by the Board.

REASONS AND CONSIDERATIONS

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the objectives of the current development plan for the area and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005. The proposed development would not seriously injure the existing rural amenities of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16th of January 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least five years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. Prior to commencement of construction of the house, details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

4. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the

system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10)" - Environmental Protection Agency, 2009.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

8. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape in the interest of visual amenity.

9. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health

10. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Caryn Coogan

Planning Inspector

22nd of September 2017