



An
Bord
Pleanála

Inspector's Report 248962

Development	Construct a dwellinghouse, garage and associated siteworks
Location	Barrymore, Kiltoom, Athlone, County Roscommon
Planning Authority	Roscommon County Council.
Planning Authority Reg. Ref.	17/237
Applicant	Denise Dunning
Type of Application	Permission
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant	Denise Dunning
Date of Site Inspection	28 th September 2017
Inspector	Dolores McCague

1.0 Site Location and Description

1.1. The site is located at Barrymore, Kiltoom, Athlone, Co Roscommon. The site is in a rural part of south Roscommon north west of Athlone, near the western shore of L Ree where single detached dwellings have been built over such an extended area in the past few decades that this area, which has no nucleus, has been subject to a local area plan.

2.0 Proposed Development

2.1. The proposal is to construct a large two storey 252 m² dormer style house with an asymmetrical double pitched roof and a detached 40m² garage.

3.0 Planning Authority Decision

3.1. Decision

The proposed development is located on lands zoned transitional Agricultural in the LAP where the objective is to restrict new residential development to those with an essential housing need. The Planning Authority does not consider, based on the information submitted, that the applicant meets the criteria for rural generated housing on such lands in accordance with the Sustainable Rural Housing Guidelines, the objectives of the Area Plan, as well as the provisions of Section 5.11 of the Roscommon County Development Plan as referenced in Section 4.3 of the LAP. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- No planning history.
- Zoned transitional agriculture in LAP

- CDP
- Section 5.11
- Chapter 9 Development Management Guidelines and Standards.
- Section 9.5 Rural Siting and Design.
- Section 9.5.1 Access and other ancillary works.
- EIA and AA
- Lough Ree SAC – 0.3km to the east of the site.
- Having regard to the nature and extent of development, it is considered that the proposals will not be detrimental to the conservation objectives of the SAC.
- Zoned transitional agriculture and residential development is open for consideration subject to compliance with Sustainable Rural Housing Guidelines for Planning Authorities and must satisfy criteria in CDP for one off planning application for area under strong Urban Influence.
- Category Area B – Section 5.11 of the CDP.
- Accommodate substantiated rural generated housing need subject to good practice.
- 5.11.4 only rural generated housing will be acceptable in principle in the area of the subject site. The current CDP definition of Rural Generated housing need for Category B is set out in table 5.3.
- A) B) C) and D) are set out.
- A) the supplementary application form indicates that the applicant presently resides in Co. Galway and has resided at that location for some time. The applicant's employment is not rurally based and the intention is not to build her first home at this location. The applicant does not fall within subsection (a).
- The applicant does not fall within subsection (b).

- The supplementary application form indicates that the [REDACTED] [REDACTED] such that the employment could not be deemed to be intrinsically linked to this specific rural area.
- The applicant has some links to the area, being from the area and with family members living close to the site. However it is evident that the applicant owns a dwelling elsewhere and that the linkages would primarily be to that settlement.
- The applicant has access to residentially zoned lands in the vicinity that could be utilised without the necessity to establish a local housing need.
- The site is on a private laneway serving 7 individual houses.
- The site is served by a sewer and public water supply. The planning authority is satisfied that the proposed development does not place any additional loading on the network.
- A storey and a half with an asymmetrical roof. In the context of a variety of house types in the area.
- Poor roof to wall ratio.

3.2.2. Other Technical Reports

None.

4.0 Planning History

None stated. Map supplied with appeal shows various other properties with dwellings, which appear to be of relatively recent origin.

Pre planning ref no. 2617 details attached.

5.0 Policy Context

5.1. Development Plan

Roscommon County Development Plan 2014 - 2020 is the operative plan. It includes reference to one off rural housing.

2.3.8 The projected population increase over the lifetime of the County Development Plan will be, in part, accommodated by one off rural housing. Development of this kind will be assessed for consideration on a case by case basis, as is the current practice, within the context of the Sustainable Rural Housing Guidelines and relevant policies contained within the County Development Plan in particular Chapter 5, "Housing" which defines three types of rural area: 'A' Urban Periphery, 'B' Areas Under Urban Influence and 'C' Areas in Need of Regeneration.

Rural Areas under Strong Urban Influence are rural areas within commuting distance of larger towns where urban generated housing in the open countryside is increasing and population growth has been significant in recent years as shown in Map 6, these include the rural areas surrounding Monksland/Bellanamullia, Roscommon Town, Athleague, Lanesborough, Termonbarry and Roosky as well as the rural areas around Boyle and Carrick-on-Shannon.

5.11 Guide residential development to the most appropriate locations (in accordance with relevant Regional and National Guidance) in rural areas in the interests of protecting the urban and rural environment as well as key assets such as Landscape, water quality and natural and cultural heritage, by identifying rural area types establishing suitability criteria based on area type, sensitivity and assimilative capacity.

Rural Policy B constitutes the south Roscommon countryside which is also strongly influenced by the settlements of Roscommon Town and Athlone. These areas are also under urban influence from the settlements of Roscommon Town, Athlone and Ballinasloe, though to a lesser extent than category A above. These areas are categorised by strong pressure for urban generated housing development as well as

locally generated housing development. In this context it is considered that these areas be reserved for individual housing development which meets the rural generated housing need criteria set out in the 'Definition of Urban & Rural Generated Housing Need '(See Table 5.3). rural-generated housing need and urban-generated housing need are defined in the following section and Table 5.3. For the purposes of the Roscommon Rural Housing Strategy rural-generated housing need and urban-generated housing need are defined in the following section and Table 5.3:

Table 5.3 Definition of Urban & Rural Generated Housing Need:

Rural-Generated Housing Need is defined as demand for housing in rural areas generated by:

a. People who have lived in a rural area of County Roscommon for a large part of their lives or who have rural roots in terms of their parents being of rural origin. These would include farmers or close relatives of farmers who can substantiate that they are also engaged in agriculture or otherwise dependant on the immediate rural area (rather than a nearby town or village) for employment, and/or anyone taking over the ownership and running of a farm. It would also include people who have no family lands but who wish to build their first home within the rural community in which they have spent a large and continuous part of their lives.

or

b. People working full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years. This would include those working in agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterway or marine-related occupations, as well as part-time occupations where the predominant occupation is farming or natural resource-related.

or

c. People employed locally whose work provides a service to the local community or people whose work is intrinsically linked to rural areas such as teachers in rural schools.

or

d. People with a significant link to the Roscommon rural community in which they wish to reside, by reason of having lived in this community for a minimum period of five years or by the existence in this community of long established ties with immediate family members.

Urban-Generated Housing Need is defined as demand for housing in rural areas generated by:

Persons principally living and working in urban areas, including second homes.

Urban-generated housing needs will be accommodated in towns and villages and in principle on a site specific basis in rural areas within Rural Policy Area Category C.

Table 5.4 Policies and Suitability Criteria for Rural Area Types

For category B - areas under urban influence the policies and suitability criteria for rural housing are:

- To accommodate substantiated rural-generated housing need subject to good practice. New development should be clustered with existing family dwelling or farm buildings, except where inappropriate due to traffic safety, environmental considerations etc.
- To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community subject to compliance with normal planning criteria.
- To reinforce the existing network of towns, villages and other settlements in the rural areas. This can accommodate additional housing development catering for persons working in larger cities and towns but desiring a rural lifestyle.
- To consolidate and sustain the stability of the rural population and to strive to achieve a balance between development activity in urban areas and villages and the wider rural area.
- The reuse and replacement of existing structures and dwellings will be considered regardless of rural or urban-generated housing need.

Qualifying persons within this category are those referred to in categories (a), (b), (c) and (d) in Table 5.3.

5.2. Hodson Bay / Barrymore Area Plan, is the relevant LAP

Further development within the area plan area (4.3) - Development within areas zoned for Transitional Agriculture will be governed by guidelines contained within the Sustainable Rural Housing Guidelines, 2005. The Council will only consider granting permission for single dwelling houses in these areas where it is clearly proven that the development complies with the criteria for such outlined in the Roscommon County Development Plan.

The subject site is zoned Transitional Agriculture. The development objective includes - Prohibit new residential development to essential housing need.

5.3. Sustainable Rural Housing Guidelines for Planning Authorities.

5.4. Published by the Department of Environment, Heritage and Local Government, 2005, it includes:

5.5. In rural areas under strong urban influences, the NSS stresses 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. The key development plan objectives in these areas should be to 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. Applicants should outline how their proposal is consistent with the rural settlement approach in the development plan

5.6. Natural Heritage Designations

Lough Ree SAC (site code 000440) Lough Ree SPA (site code 004064), just over 100m from the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

Seamus Murray Project Managers Engineers & Surveyors have submitted the appeal on behalf of the first party.

- The serviced site is in an established residential area.
- The policies and objectives of the CDP were never intended to confine an individual to a particular location or house for their lifetime.

█ The applicant is an intrinsic part of the community. The home she owns in █ Co Galway does not meet her needs in terms of location for her current employment. She now works █

- She wishes to live close to where she was reared and where she has family.

█ Alternative zoned land is not available to her █

- The site is located in area B areas under urban influence – 5.11 definition and applicant's compliance with criteria is listed.
- She has a substantial rural generated housing need and an ideal serviced site beside existing family dwellings.
- She is an intrinsic part of the community in which she wishes to live. The location is suitable for her work.
- Her site is an in-fill site in an established residential area and will reinforce the existing Barrymore settlement.

- The proposal will consolidate and sustain the stability of the Barrymore population.
- Table 5.3 definition of urban and rural generated housing need.
- A) applicant meets the requirements: born and reared in the area.
- B) she has a genuine need to live close to her workplace, although this is not a rural based activity.

[REDACTED]

[REDACTED]

[REDACTED]

- D) the applicant meets these requirements.
- The site is in an area zoned Transitional Agricultural Uses in the Hodson Bay/Barrymore LAP. The zoning under the previous plan 2008-2014 was existing residential.
- The zoning provides for housing for family members or those with a housing need; applicant complies.
- Prohibit development that would create premature demand for infrastructural services; site is serviced by public sewer, etc
- Prohibit new housing development to essential housing need, applicant has such a need.
- Guard against ribbon development; site is on a local road in an established serviced residential area.
- The area is a highly sought after area to live in with strong property values. Many of the residents of this area have no intrinsic links to the area unlike the applicant.
- Appendices to grounds:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Map showing shaded in colour various plots or residential properties [REDACTED]

[REDACTED]

- Map 11 from CDP rural types and Map 12 rural housing policy
- Map 1 from LAP 2014 – 2020 and map 36 from LAP 2008-2014

6.2. Planning Authority Response

- The planning authority has responded to the grounds of appeal
- The applicant's employment is not rurally based and it has not been demonstrated that the form of employment or its location necessitates residence in this specific area.
- The applicant has links to the area but there are family lands residentially zoned.
- Evidence was presented with the application that there are family lands so zoned. Family preferences for their future use are not planning considerations.
- In addition to the supply of suitably zoned land Hodson Bay / Barrymore and the surrounding area contains significant amounts of existing housing stock and a number of properties being actively marketed for sale in relative proximity to the subject site. The planning authority encourages the pursuit of more sustainable options, in the form of take up of available existing properties as a means of enabling persons to fulfil their personal choice of home location.
- The proposal is contrary to the Sustainable Rural Housing Guidelines.
- The transitional agricultural zoning expressly limits new residential development to essential housing need. The applicant's lack of essential housing need has been assessed and demonstrated in their earlier report.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, and the rural housing need and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. Rural Housing Need

- 7.4. This area is zoned as transitional agricultural zoning where rural housing is to be assessed under the criteria for rural housing need set out in the County Development Plan. The qualifying persons within this area which is Rural Policy Category B Areas Under Urban Influence are those referred to in categories (a), (b), (c) and (d) in Table 5.3, that is:

a. People who have lived in a rural area of County Roscommon for a large part of their lives or who have rural roots in terms of their parents being of rural origin. These would include farmers or close relatives of farmers who can substantiate that they are also engaged in agriculture or otherwise dependant on the immediate rural area (rather than a nearby town or village) for employment, and/or anyone taking over the ownership and running of a farm. It would also include people who have no family lands but who wish to build their first home within the rural community in which they have spent a large and continuous part of their lives.

or

b. People working full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years. This would include those working in agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterway or marine-related occupations,

as well as part-time occupations where the predominant occupation is farming or natural resource-related.

or

c. People employed locally whose work provides a service to the local community or people whose work is intrinsically linked to rural areas such as teachers in rural schools.

or

d. People with a significant link to the Roscommon rural community in which they wish to reside, by reason of having lived in this community for a minimum period of five years or by the existence in this community of long established ties with immediate family members.

- 7.5. The first party is not claiming to fall into the a) category, although from the area she is not engaged in agriculture, taking over a farm. or dependant on the immediate rural area for employment.
- 7.6. The first party appears to be claiming to fall into the b), c) or d) categories.
- 7.7. Category b) accommodates people working full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years. The first party is clearly not within this category which refers to those working in agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterway or marine-related occupations, as well as part-time occupations where the predominant occupation is farming or is natural resource-related.
- 7.8. The first party claims, per category c) to be employed locally in an occupation which provides a service to the local community. The term locally does not cover the distance to between Barrymore and [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] 'the place of employment' and in any case is not local employment in the terms of category c). The proximity requirement of the first party's employment [REDACTED]
[REDACTED] is not relevant as regards the local definition in category c) and does not require the first party to live in this rural area.

Authorities issued by the Department of the Environment, Heritage and Local Government and Table 5.3 of the County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Planning Inspector

26th October 2017

Appendices

- 1 Photographs
- 2 Extracts from Roscommon County Development Plan 2014-2020
- 3 Extracts from Hodson Bay / Barrymore Area Plan
- 4 Extract from Sustainable Rural Housing Guidelines for Planning Authorities.