



An
Bord
Pleanála

Inspector's Report 249026.

Development	Rural House.
Location	Sheetrim, Monaghan, Co. Monaghan.
Planning Authority	Monaghan County Council.
Planning Authority Reg. Ref.	16/531.
Applicant(s)	Fergal & Margo Smyth.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Observer(s)	None.
Date of Site Inspection	25 th October 2017.
Inspector	Karen Kenny.

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1.0 Site Location and Description

- 1.1.1. The site is located along a local road in the townland of Sheetrim, on the southern outskirts of Monaghan Town. There is a nursing home on the adjoining lands to the north, a woodland to the west and agricultural lands to the south and east. The site with a stated area of 0.2987 hectares, rises from north to south.
- 1.1.2. The western and southern site boundaries are undefined. The northern site boundary is defined by mature vegetation and the eastern boundary comprises a roadside embankment with evergreen planting on the field side. A section of the ditch has been removed / set back in the vicinity of the proposed vehicular entrance.

2.0 Proposed Development

- 2.1.1. The proposed development as set out in the public notices comprises a dormer dwelling, mechanical wastewater treatment system and raised polishing filter and vehicular access onto the public road.
- 2.1.2. The proposed dwelling has a stated floor area of 191.8 square metres and a ridge height of 6.86 metres. The external walls have a proposed dash finish and it would appear that a stone finish is proposed on the gable fronted element on the front elevation. There is also reference to plaster quoins on the drawings.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission refused for 2 no. reasons. The reasons for refusal can be summarised as follows:
 - 1. Applicant has failed to justify adequate compliance with one of rural housing policies RHP2 – RHP9.
 - 2. Adequate sightlines cannot be provided within the ownership of the applicant.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officers Report reflects the decision to refuse permission. The Report following the submission of further information notes the following:

- The site of the proposed development is located in a Rural Area Under Strong Urban Influence. The applicant derives from Killygoan a residential area in Monaghan Town. The Planning Authority is of the opinion that the applicant does not reflect the "spirit" of provisions of the Sustainable Rural Housing Guidelines.
- A modest dwelling can be accommodated on site and it is considered that the proposed ridge height of 6.86 metres is acceptable.
- Concerns in relation to the design of the dwelling (front projection is overly dominant).
- Proposal to regrade roadside embankment to front of site across third party lands to achieve sight lines. No third party agreement submitted.

3.2.3. Other Technical Reports

EHO: No objection.

District Engineer: Additional information sought in relation to sightlines. No report following FI.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

There is no planning history pertaining to the appeal site.

5.0 Policy Context

5.1. Development Plan

The Monaghan County Development Plan 2013-2019 is the relevant statutory plan. The following sections are of relevance:

Chapter 3.5 Housing in Rural Areas

The site is located in a rural area under strong urban influence. In such areas, applications for single dwellings will only be permitted where the development complies with one of the following:

- RHP 2: The applicant is a landowner (minimum 4 hectares) or where the dwelling is for a member of his / her immediate family.
- RHP 3: The dwelling is for an individual who has lived in the local rural area for a minimum period of 5 years prior to the date of submission of a planning application.
- RHP 4: The dwelling is required to meet the needs of a person working in an established rural based agricultural, commercial, industrial or other enterprise in the local area, where the person derives his/her main income from that activity, or by a member of his / her immediate family. Such circumstances may also include other persons whose work is intrinsically linked to the local rural area (such as teachers in rural schools).
- RHP 5: The dwelling is to facilitate a retiring farmer, where the applicant last worked principally as a farmer in the local area, or by a widow or widower of someone who last worked principally as a farmer in the local area.
- RHP 6: The dwelling is required to facilitate site specific and compelling special domestic or personal circumstances, where genuine hardship would result if planning permission were refused. In these circumstances the onus will be placed on the applicant to justify why other alternative solutions, such as a house extension, granny flat or mobile home, cannot be considered.

Chapter 15 Development Management Guidelines.

The following policies are considered relevant in this instance:

- RDP 6: Development should follow the contours of the site and should sit naturally into it. The building should integrate into rather than be imposed on the landscape, extensive excavation and/or removal of natural vegetation should therefore be avoided.
- RDP 8: The size, scale and mass of the building should reflect the traditional form of buildings in the area. Large monolithic designs sit uneasily in the rural landscape and should be avoided. In the case of a replacement dwelling, the new dwelling should not have a visual impact significantly greater than the dwelling to be replaced.
- RDP 9: Simple forms look best in the landscape and should be employed. Alien or urban features such as nonlinear plan forms and mansard roofs, should be avoided.
- LSP 1: Existing trees and hedgerows soften the visual impact of any new development, give shelter and maturity to the site, and should be retained. Development proposals which necessitate the removal of extensive amounts of trees and hedgerows will be resisted.
- LSP 2: Careful consideration should be given to roadside boundary treatments and access. The disruption of existing boundary features should be avoided. Trees, hedgerows, stone walls and earthen embankments are an attractive part of the rural scene and should be retained. Where these have to be removed to provide the required sight distance, they should be reinstated behind the sight lines. The removal of excessive amounts of roadside vegetation should be avoided. Transplanting of existing trees and hedgerows should be employed where appropriate.
- RAP 2: New accesses should be positioned to minimise loss of hedgerow/trees.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been received. The principal grounds of appeal are summarised as follows:

- Case is made under Policy RHP4 and Policy RHP6 of the Development Plan.
- Applicant has lived in Ballybay since 2006. She could not afford a house in Monaghan Town and the dwelling in Ballybay was the only social housing available at the time. Applicant previously lived at Woodview, Killygoan, Monaghan Town from 1984 to 2006 and attended school in Monaghan Town.
- Land purchased by applicant's father c. 30 years ago and is used for sheep grazing.
- Children live in Ballybay and attend school in Monaghan.
- Need to be close to parents to support them in older years.
- Main employment from Corby Rock an established rural based agricultural industry (commercial egg producer, commercial pullet rearing and compound animal feed production). Applicant will supplement primary income by taking over sheep farming at the application site.
- In relation to visibility from the proposed entrance, the applicant encloses an agreement with the adjoining nursing home.

6.2. Planning Authority Response

No response.

6.3. Observations

None.

7.0 Assessment

7.1.1. I consider that the key issues in this case are as follows:

- Compliance with Rural Housing Policy
- Visibility Splays
- Waste Water Treatment
- Dwelling Design
- Other Issues
- Appropriate Assessment

7.2. Compliance with Rural Housing Policy

7.2.1. The Monaghan County Development Plan 2013-2019 is the relevant statutory plan. The appeal site is located in a Rural Area Under Strong Urban Influence. In such areas applications for single dwellings will only be permitted where the development complies with one of the Rural Housing policies RHP 2-9. The applicant puts forward a case for a dwelling at this location based on the criteria set out in Policy RHP 4 and Policy RHP 6 of the Development Plan.

7.2.2. Policy RHP 4 refers to circumstances where *“the dwelling is required to meet the needs of a person working in an established rural based agricultural, commercial, industrial or other enterprise in the local area, where the person derives his/her main income from that activity, or by a member of his / her immediate family. Such circumstances may also include other persons whose work is intrinsically linked to the local rural area (such as teachers in rural schools).”* The applicant makes a case under RHP 4 on the basis that she works in Corby Rock an established rural based agricultural industry. I would note that Corby Rock is located on the R162 Monaghan to Ballybay Road at a location that is outside of Monaghan Town and at a distance of c. 2.3 kilometres from the appeal site (by road) via Monaghan Town. The appeal submission also states that the applicants father has owned the subject landholding at Sheetrim for c. 30 years and that the applicant intends to take up sheep farming on the landholding to supplement her primary income from Corby Rock. I draw the attention of the Board to the fact that there is no documentary evidence on the file to verify that the ownership or size of the lands at Sheetrim. The field in which the site is located extends to c. 3.5 hectares in area. I do not consider that the applicant has demonstrated a functional need to reside in this rural area due to work activities that

are intrinsically linked to the rural area in question. The applicant's primary employment is located at a distance from the appeal site. Furthermore, it would appear that the landholding at Sheetrim is of limited size and that it is not a viable agricultural holding.

7.2.3. Policy RHP 6 refers to circumstances where *"The dwelling is required to facilitate site specific and compelling special domestic or personal circumstances, where genuine hardship would result if planning permission were refused. In these circumstances the onus will be placed on the applicant to justify why other alternative solutions, such as a house extension, granny flat or mobile home, cannot be considered."* The applicant makes a case under RHP 6 on the basis that she has lived in Ballybay since 2006 as she could not afford a house in Monaghan Town. The applicant's children attend school in Monaghan and are living in Ballybay, and it is suggested that this results in hardship. The applicant also states that she needs to be close to her parents to support them in older years. I do not consider that the applicant has demonstrated a need to reside at the location of the appeal site due to a site specific and compelling special domestic or personal circumstance. While I note the applicants wish to reside close to services and family in Monaghan Town, this is not considered to constitute adequate grounds for a grant of permission.

7.3. **Sight Distances**

7.3.1. It is proposed to regrade an embankment along the roadside boundary to achieve adequate site visibility onto the LS5600. The roadway to front of the proposed entrance is of limited width (c. 3.5 metres) and it is considered that adequate sight distances of over 60 metres can be achieved from the vehicular entrance through the setting back of a section of the roadside boundary. The applicant has submitted a legal agreement from the adjacent landowner consenting to the setting back of the roadside boundary. On the basis of the foregoing I consider that the proposed vehicular access is acceptable.

7.4. Water Services

- 7.4.1. The site is located on a locally poor aquifer with high vulnerability. Details of a site suitability test were submitted to the Planning Authority. The tests identified a T value of 27.78 and as such the site is suitable for a treatment system discharging to ground. Due to the shale encountered at 0.6 metres it was determined that a raised mound will be required and a P Test was carried out. The P value of 22.78, indicates that a secondary treatment system with raised polishing filter would be acceptable. It is proposed to install a package wastewater treatment system and polishing filter. I am satisfied, based on the submitted site characterisation form that the proposed treatment system is suitable and that it meets the requirements of the EPA Code of Practice for Wastewater Treatment & Disposal Systems Serving Single Houses (2009) in terms of separation distances and the design of the system.
- 7.4.2. Water supply would be from an existing connection to a group scheme and surface water would drain to an adjacent watercourse.

7.5. Dwelling Design

- 7.5.1. I consider that the design is in keeping with the character of development in the general area. The overall scale and mass of the dwelling is not excessive and the site is not overly prominent. I would have concerns in relation to the proposed use of a dash finish and quoins given the rural context. Natural finishes, such as nap plaster or rough render are considered more appropriate. It is also considered appropriate that the development would incorporate native landscaping of indigenous species that reflects the rural context. Should the Board be minded to grant permission I recommend that conditions are included in relation to the use of natural finishes and landscaping.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of development proposed, namely the construction of a rural dwelling and to the 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.

8.0 Recommendation

8.1. I recommend that permission be refused for the reasons outlined below.

9.0 Reasons and Considerations

Having regard to the location of the site within an Area Under Strong Urban Influence" as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the Monaghan County Development Plan 2013-2019, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Kenny

Senior Planning Inspector

16th November 2017