



An
Bord
Pleanála

Inspector's Report PL 26.249422

Development	House and effluent treatment system
Location	Mullanour, Rathaspick, County Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	2017/170
Applicant(s)	William Doyle & Lisa Stafford
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Jennifer Martina Doyle
Observer(s)	None
Date of Site Inspection	24 th January, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development has frontage onto the west side of Local Road L7060, approximately 130 metres south-east of its junction with Regional Road R733 in a rural area, some 7km south-west of Wexford town centre. It comprises the northern end of a field which backs onto an adjoining farm yard (the appellant's property) on which a new dwelling is under construction. The site is relatively level with the adjoining public road and there is a hedgerow along its frontage. There is extensive one-off housing in the immediate vicinity of the proposed site both to the north and south.

2.0 Proposed Development

- 2.1. The proposed development would comprise a four bedroom, two-storey house on a stated site area of 0.528 hectares. The floor area of the house would be 294 square metres. The house would be served by a private effluent treatment system and a public water supply. The applicants are prospective purchasers of the site.
- 2.2. Details submitted with the application included a covering letter providing information on the background to the application, a completed site characterisation form, a letter of consent from the landowner permitting the making of the application, and details relating to local housing need.

3.0 Planning Authority Decision

3.1. Decision

On 11th October, 2017, Wexford County Council decided to grant permission for the development subject to 10 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, the interdepartmental reports received, the third party observation made and development plan policy. It was considered that the proposed development would not result in a loss of privacy for the third party

property due to the distance between properties, the orientation of the proposed house, and proposed landscaping. On matters pertaining to rural housing policy, it was stated that it would appear that the applicants have demonstrated that they have lived in the area for a period of 5 years. The house design was considered acceptable. A grant of permission was recommended subject to 10 conditions.

3.2.2. Other Technical Reports

The Senior Executive Scientist had no objection to the effluent treatment system and recommended a grant of permission subject to conditions.

The Chief Fire Officer submitted details of Fire Authority requirements.

3.3. **Third Party Observations**

An objection to the proposed development was received from Jennifer Martina Doyle. The grounds of the appeal reflect the principal planning issues raised.

4.0 **Planning History**

P.A. Ref. 2016/0548

The applicants were refused permission for a house and effluent treatment system for one reason relating to the applicants not verifying local housing need.

5.0 **Policy Context**

5.1. **Wexford County Development Plan 2013-2019**

Sustainable Rural Housing

The appeal site is located in an area designated a 'Rural Area under Strong Urban Influence' in the Plan.

Objectives relating to these areas include:

Objective RH01

To facilitate the development of individual houses in the open countryside in 'Areas under Strong Urban Influence' in accordance with the criteria laid down in Table No. 12 subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

Table 12 refers to criteria for individual rural housing. For 'Rural Areas under Strong Urban Influence' it includes the following:

Permitted

Housing for 'local rural people' building permanent residences for their own use who have a definable 'housing need' building in their 'local rural area'. People who have a 'housing need' are considered to be people who have never owned a rural house

'Local rural people' are defined as people who were born or have lived for a minimum period of five years in that 'local rural area'. This includes people who have lived there in the past/returning emigrants. It also includes persons who were born or reared in such a 'local rural area' but that area is now within a settlement boundary/zoned land. A local rural person also includes a person who has links by virtue of being a long term rural landowner or the son or daughter or successor of such a person

'Local rural area' is defined as within a 7km radius of where the applicant has lived or was living. Where the site is of a greater distance but the applicant can demonstrate significant ties with the area for example immediate family or long term landownership then these applications will be considered on their merits. The 'local rural area' includes the countryside, Strong Villages, Smaller Villages and Rural settlements but excludes District towns, Larger Town, Towns and The Hub.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synopsised as follows:

- The proposed development, when taken in conjunction with existing and proposed development in the vicinity of the site, would consolidate and contribute to the build-up of ribbon development in an elevated and scenic open rural area on the slopes of the Forth Mountain. It would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities serviced by a poor road network, and would consolidate an unsustainable pattern of suburbanisation of the rural area in close proximity to Wexford Town.
- The site is within an Area under Strong Urban Influence and the land is subject to intensive local development pressure and has been the subject of a range of planning applications on land in the ownership of the same landowner. The development is haphazard and outwardly speculative.
- The proposal would result in an excessive concentration of developments served by individual waste water treatments systems in the area and would pose a risk to the appellant's well.
- The proposal would endanger public safety by reason of traffic hazard because it would give rise to a multiplicity of entrances and an unacceptable increase in traffic turning movements to and from a heavily trafficked road where sightlines are inadequate due to a bend in the road and proximity to a dangerous junction. Proposals to remove roadside hedgerow will escalate speed on the road.
- The cumulative removal of hedgerow with adjoining sites to the south will erode the rural fabric.
- The proposed house, due to its scale, bulk, design and orientation, will result in overlooking of the appellant's dwelling to the west and proposed landscaping would exacerbate the negative impact on the appellant's private living space.

6.2. Applicant Response

The applicants' response to the appeal from their Planning Consultant may be synthesised as follows:

- The proposal will result in four houses in a row and compliance with the Council's local need policies are clearly demonstrated in the application. The *Sustainable Rural Housing Guidelines* define 'ribbon development' as typically consisting of 5 or more houses. The proposal will, therefore, not contribute to excessive ribbon development.
- The site is located in an area where there is a public water supply and adequate community facilities to accommodate the proposed development. The local road network is more than adequate to cater for the proposed development. The planning authority expressed no traffic concerns.
- The site is within an area identified as being 'under strong urban influence'. The applicants have demonstrated to the planning authority that they comply with the Council's housing need policies and have a genuine need to live in the area. The proposed development and adjoining permitted development are not suburban in form and nature and cannot be classed as a 'suburban streetscape'.
- With regard to effluent treatment systems, the appellant's property will be served by the public water supply and not by private well. The proposal does not pose a risk to the appellant's drinking water supply. The planning authority's Environment report noted no poor percolation characteristics and recommended a grant of permission.
- Regarding traffic impact, the Area Engineer declined to comment on the application and it is assumed that no issues arose regarding traffic safety. The turning movements of one dwelling would be negligible. Sightlines have been adequately demonstrated. Concerns about the local road and the junction with the regional road are unfounded.
- At nearly 30m between the proposed dwelling and the appellant's dwelling, overshadowing is physically impossible. No opposing windows arise and elevations of both houses are more than 30m apart, separated by a mature boundary that will be reinforced. Overlooking will not occur.

The response includes a letter from the applicants requesting the Board to invalidate the appeal, focusing on the appellant's dealings with the planning process in the Wexford area.

6.3. **Planning Authority Response**

The planning authority acknowledged the comments of the appellant and requested the Board to uphold its decision.

7.0 **Assessment**

7.1. I consider that the principal planning issues requiring to be addressed relate to the validity of the appeal, the impact of the proposed development on the rural amenities of the area, and the impact on residential amenity.

7.2. The Validity of the Appeal

7.2.1 The applicants' request to dismiss the appeal, based upon how the appellant has been engaged in the planning application process in County Wexford, is a matter for Wexford County Council and is not a matter for consideration by the Board in this appeal. The Board is in no position to re-visit the appellant's engagement with planning applications in the wider County Wexford area. The appellant, in the same manner as any other third party, may appeal the decision of the planning authority, having followed appropriate procedures in accordance with the requirements of the Planning and Development Act.

7.3. Impact on the Rural Amenities of the Area

7.3.1 The location of the proposed site is in an area designated an 'Area under Strong Urban Influence' in the Wexford County Development Plan. This is an area that has been so designated for a purpose, i.e. it is close to the county town of Wexford and it is a rural area under severe pressure from demands for one-off housing. This is clearly evident by the high density of one-off housing in the immediate vicinity of the appeal site. Further to this, it is apparent from details on the appeal file that permissions have been granted for even more houses in the vicinity, inclusive of housing in the same field to the south of the proposed site. It is for this principal reason that local rural housing need must be wholly demonstrated, based upon a need to be at this location, a location which clearly is suffering from a build-up of suburban-style development in this remote location, remote from community and

public services and infrastructure in which substantial public investment has been made.

- 7.3.2 It is my submission to the Board that the applicants have no rural housing need at this location and that the proposed development is purely speculative, in the knowledge that a substantial number of applications have already been made for housing on abutting lands. The applicants' response to the appeal ably demonstrates their lack of rural housing need at this location. William Doyle works in Wexford Town and Lisa Stafford works from home. They owned a dwelling in Murrinstown which they chose to sell and lived in various locations in the general area for some five years. To suggest that they have any definitive ties with the land on which the development is sought and this general area is not a reasonable conclusion to draw. The applicants' needs to provide for their parents and to accommodate their children's needs can be met within the serviced settlements in the wider area. Permitting the development based upon the 'housing need' demonstrated is completely contrary to the Development Plan provisions for the control of housing in 'Rural Areas under Strong Urban Influence', which is wholly supported by the *Sustainable Rural Housing Guidelines for Planning Authorities*, upon which the Council policy is founded.
- 7.3.3 The addition of further housing on this site to persons who have no genuine rural housing need at this location will contribute further to the sprawl of one-off housing that has developed along the local road network in this area. This suburbanisation of this rural area is wholly unsustainable. It is disorderly development that impacts on the rural amenity of the area and on agriculture. It exacerbates the difficulties and costs of providing services, and, with the further build-up of one-off housing along the local road network, it increases the potential for traffic hazard and reduces the carrying capacity of the local road network. The realisation of the unsustainability of permitting such a development is reinforced when it can be understood that the applicants' family needs can truly be accommodated in nearby villages or Wexford Town, where community and public services and infrastructure in which public investment has been made are available to meet those needs.

7.4. Impact on Residential Amenity

7.5.1 I note the location, layout, orientation of the proposed dwelling, and the separation distance between the proposed development and the appellant's permitted dwelling behind the appeal site. The proposed house would be some 40 metres from the appellant's permitted house, based upon drawings submitted, and there would be a mature tree and hedgerow boundary that would be reinforced between the properties. The arrangement of fenestration in the proposed house is such that there would be no direct overlooking of the appellant's house. The separation distance ensures that there would be no shadow cast that would result in overshadowing of the appellant's property. It is my conclusion that the proposed development would not have any significant adverse impact on residential amenity.

8.0 **Recommendation**

8.1. I recommend that permission is refused in accordance with the following reason and considerations.

9.0 **Reasons and Considerations**

The site of the proposed development is located within an "Area Under Strong Urban Influence" as designated in Wexford County Development Plan 2013-2019 and as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005. This is a rural area in close proximity to Wexford Town and where housing is restricted to persons demonstrating social and economic local need in accordance with the provisions of Wexford 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 social and economic need for the house, would contribute to the encroachment of random rural development in the area, intensifying the suburban pattern of housing, 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 Development Plan provisions relating to sustainable rural housing, to the “Sustainable Rural Housing Guidelines for Planning Authorities” and to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

25th January 2018