



An
Bord
Pleanála

Inspector's Report ABP-300060-17

Development	House and garage
Location	Camolin Park, Kilcomb, County Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	2017/1143
Applicant(s)	Olivia Reidy
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Olivia Reidy
Observer(s)	None
Date of Site Inspection	25 th January, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development is located in a remote rural location to the north of the village of Camolin in County Wexford. It is located just to the south of Camolin Woods, accessed via a laneway to the woods and then by way of a track on the applicant's father's landholding. The site is triangular in shape, was formerly planted and is now in rough grassland. It has mature trees along its eastern rear boundary.
- 1.2. Development in the vicinity includes a two-storey dwelling and agricultural buildings to the south of the site. There is extensive one-off housing along the laneway approaching the family landholding. The laneway is poorly surfaced and poorly maintained.

2.0 Proposed Development

- 2.1. The proposed development would comprise a three bedroom, dormer bungalow and single-storey garage on a stated site area of 0.43 hectares. The house would have a stated floor area of 278 square metres and the garage would be 66.69 square metres in area. The house would be served by a new septic tank system and a proposed well water supply. Details submitted with the application included a letter from the applicant's father giving consent to the making of the application and a percolation test report.
- 2.2. In a covering letter with the application, the applicant stated that the land had been gifted to her by her father who is also building on the land, that she works in Bray, and that it is her intention to make the house her permanent residence.

3.0 Planning Authority Decision

3.1. Decision

On 11th October, 2017, Wexford County Council decided to refuse permission for the development for one reason relating to the applicant not demonstrating a housing need to live at the proposed location.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planner noted the reports received and applicable development plan provisions. It was considered that the applicant had not demonstrated sufficient need to reside at the rural location in accordance with the Rural Housing Policy as set out in Table 12 of the Wexford County Development Plan. The proposed development was considered to be an unusually shaped dwelling but would have no adverse visual impact due to its isolated location in a forested area. A refusal of permission was recommended based on lack of housing need.

3.2.2. Other Technical Reports

The Senior Executive Chemist had no objection to the proposal subject to conditions.

4.0 **Planning History**

I have no record of any previous planning application or appeal relating to this site. I note that permission was granted to the appellant's father for a house on land to the south-west of the appeal site under P.A. Ref. 2013/0500. This house is now constructed.

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 'Stronger Rural Area' in the Plan.

Objectives relating to these areas include:

Objective RH03

To facilitate the development of individual houses in the open countryside in 'Stronger Rural Areas' in accordance with the criteria laid down in Table No. 12 and 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 'Stronger Rural Areas' it includes the following:

Stronger Rural Area

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 15km 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 summarised as follows:

- Planning was refused on the basis of *mala fides*.

- The appellant's parents were granted permission and have built a house on the same lands.
- The appellant does not have a house and her family normally lives in a mobile home on the same lands. She has a baby, is currently being accommodated by her parents and she plans to have more children.
- The appellant is an Irish citizen and her family are returning emigrants. She will be establishing a home-based business in Camolin and is committed to making Camolin her home near her parents, with whom she needs support due to a work-related injury.
- The appellant's father has a forestry plantation on the lands and she helps in inspection.
- The refusal of permission is a violation of the appellant's constitutional rights and of EU Law.

6.2. Planning Authority Response

The planning authority notes that the applicant works in Bray, County Wicklow and submits that she has not demonstrated sufficient need to reside at the proposed location. The Board is asked to uphold the planning authority's decision to refuse permission.

7.0 Assessment

- 7.1. I am satisfied that the principal planning issue relating to the proposed development is the matter pertaining to local housing need. I note the remote rural location of the proposed house and consider that the most significant planning and environmental matter arising from the Wexford County Development Plan relating to this site is local housing need and the principle of the control of disorderly development. I acknowledge the very poor ground conditions associated with this site and I am of the view that the poor drainage characteristics of this site are clear and the development is unsustainable because of the pollution risk posed, notwithstanding any details submitted in the application in support of the suitability of a private treatment system. However, this assessment will focus on the main first party

concern. It is reasonable to ascertain that this is the main concern of the planning authority. My considerations on the appeal submission are as follows:

- The appellant submits that planning permission was refused on the basis of *mala fides*. No details have been submitted in the application or appeal to substantiate such a claim in order to address any relevant planning-related matters arising from such *mala fides*. The Board is in no position to adjudicate on such an issue.
- It is accepted that the appellant's parents were granted permission and have built a house on the same landholding. From the details submitted with the application for the parents' dwelling under P.A. Ref. 2013/0500, it appears that the family acquired a small rural landholding at this location. While the applicants at that time were determined by the planning authority to have a local housing need at this location, there is no reason to suggest that the acquisition of that small holding by the appellant's parents now merits an entitlement to a second house on this holding for the appellant.
- I note the appellant's personal circumstances relating to her current living conditions, her existing accommodation in the family home and her future family intentions. These observations do not demonstrate a housing need to allow the development of an additional house on this holding in accordance with development plan local housing needs criteria.
- I acknowledge that the details on the appeal file state that the appellant works in Bray, County Wicklow. I further note her intention to establish a home-based business in Camolin and that she is committed to making Camolin her home near her parents. I note that there there is no information to substantiate this submission or to justify the need for a house at this rural location remote from Camolin. I suggest that the opportunity to meet the appellant's needs can be met potentially within the village of Camolin, if the appellant establishes such a business.

- While I acknowledge that the appellant's father has a forestry plantation on his lands and it is submitted that the appellant helps in inspection, the significance of this role in rural-based activity is not substantiated. Thus, it bears little or no relevance to a local housing need at this remote rural location for the appellant.

Overall, it may reasonably be concluded that, based upon the information on the appeal file, the refusal of permission by the planning authority is merited as the appellant has not demonstrated a local housing need in this remote rural area in accordance with local rural housing needs provisions set out in the current Wexford County Development Plan. Further to this, I note that the site is located within an 'Area under Strong Urban Influence' as set out in the *Sustainable Rural Housing Guidelines for Planning Authorities*. As the development is not based upon any substantiated local rural housing need at this location and where needs may appropriately be accommodated within serviced settlements in the wider area, where there has been significant public investment in public infrastructure and community and social facilities to accommodate such development, the proposed development in the open countryside could not reasonably be perceived as being in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

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

9.0 Reasons and Considerations

The site of the proposed development is located within a "Stronger Rural Area" as designated in Wexford County Development Plan 2013-2019 and within an "Area Under Strong Urban Influence" 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 where housing is restricted to persons demonstrating social and economic local need in accordance

with the provisions of the Development Plan. 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 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