



An  
Bord  
Pleanála

## Inspector's Report ABP-300129-17

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<b>Development</b>	Single storey dwelling and wastewater treatment system
<b>Location</b>	Grange East, Knockahur, Co. Sligo
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	17/10
<b>Applicant(s)</b>	Nuala Healy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mary Brett and Jim Johnston
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> February 2018
<b>Inspector</b>	Una O'Neill

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## 1.0 Site Location and Description

- 1.1. The subject site is located northwest of Ransboro Village in a rural area, approx. 8km southwest of Sligo Town and approx. 6km southeast of Strandhill. The area is predominantly rural in character and comprises a number of rural dwellings.
- 1.2. The site, which is 0.19 ha in area, is located at the end of a cul-de-sac of 13 dwellings. The site adjoins a farm house and yard and comprises an old farm building.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Construction of a single storey detached dwelling, with a floor area of 155sm.
  - On site treatment system with partial overground polishing filter.

## 3.0 Planning Authority Decision

### 3.1. Decision

GRANTED, subject to 13 conditions, including the following:

C2: Occupancy condition

C3: House to be relocated 5m to south

C9: No ground works to take place within 15m of the external perimeter of Recorded Monuments

C10: Installation of proprietary effluent treatment system

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- The applicant's family home is located on the adjacent site and the applicant currently rents accommodation. A number of family members have been granted permission in the immediate area. The applicant has established a rural generated housing need.
- Dwelling is an infill dwelling between two houses and will cluster with existing dwellings. The cul-de-sac represents a suburban type development in a rural area and no further houses should be considered acceptable at this location.
- Proposals are in compliance with EPA Code of Practice for wastewater treatment.

The application was submitted to the planning authority on 19<sup>th</sup> January 2017. A further information request was issued to the applicant on 10<sup>th</sup> March 2017, in relation to archaeological sites in proximity to the proposed development and clarification in relation to an agricultural entrance.

The following was submitted

- An archaeological assessment, indicating location of test trenches. The report states the site is devoid of archaeology and a house built on it will not interfere with archaeology.
- Revised site layout with house relocated and boundary adjusted to maintain existing agricultural entrance.

The further information received on 24<sup>th</sup> July 2017 was deemed Significant Further Information and was re-advertised with public notices submitted to the planning authority on the 19<sup>th</sup> September 2017. A decision issued on the 12<sup>th</sup> October 2017.

### 3.2.2. **Other Technical Reports**

Environment Section: No objection.

Roads: No objection.

### 3.3. **Prescribed Bodies**

DAU National Monuments – Archaeological assessment of the site was requested. The report submitted on foot of a further information request was reviewed and

considered acceptable, subject to the inclusion of conditions in any grant of permission.

### 3.4. **Third Party Observations**

One observation was received from Mary Brett and Jim Johnston, owners of the detached dwelling located immediately north of the appeal site. The issues raised are primarily covered in the grounds of appeal.

## 4.0 **Planning History**

### Sites immediately north of application site:

08/862 – Permission GRANTED to Michelle Healy to construct a dwelling.

01/13 – Permission GRANTED to Martina Healy to construct a dwelling.

### Site to northeast of application site:

03/773 – Permission GRANTED to Liam Healy to construct a dwelling.

00/550 – Permission GRANTED to Patrick Healy to construct a dwelling.

## 5.0 **Policy Context**

### 5.1. **National Policy**

- Sustainable Rural Housing-Guidelines for Planning Authorities (2005)
- EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009)

### 5.2. **Sligo County Development Plan 2017-2023**

The application site is located within a Rural Area under Urban Influence.

- Policy **P-RAUI-HOU-1**: Criteria for rural generated housing in Rural Areas Under Urban Influence.
- Policy **P-GBSA-HOU-1**: Criteria for rural generated housing in the green belts and sensitive areas.

- Policy **P-WW-5**: All proposals for on-site treatment systems shall be designed, constructed and maintained in accordance with the Environmental Protection Agency's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (PE≤10). (2009), and any guidance documents issued by the County Council
- **Section 13.4.1 Rural-generated housing need**: In order to substantiate a rural housing need, the following documentation will be required:
  - Land registry documentation proving family ownership of the envisaged site
  - Map showing location of the principal family residence/original family home.
  - Proof of link to the rural community in which the applicant wishes to reside.
  - Any other details that may be deemed necessary by the planning authority, to be agreed at pre-planning stage.

### 5.3. **Ransboro Mini Plan, Sligo County Development Plan 2017-2023**

- Drinking water is sourced from the Cairns Hill Water Supply Scheme.
- The wastewater treatment system in the village has been designed to serve only six existing properties.
- The rest of the village is not served by public wastewater infrastructure. It is not envisaged that this situation will change during the lifetime of this development plan.
- In the absence of public wastewater treatment facilities in the village, individual on-site wastewater treatment proposals will be considered, subject to appropriate scale, assessment, design and conditions.

### 5.4. **Natural Heritage Designations**

The nearest Natura sites are the Ballysadare Bay SAC and SPA (approx. 2km west of the appeal site) and Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA (approx. 4km north of the site).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Loss of privacy and overbearance given location of proposed dwelling, lack of boundary treatment and given design and layout of appellant's house and its south facing patio.
- Overconcentration of septic tanks/treatment units in the immediate area, which comprises 5 dwellings and their associated treatment systems discharging to the groundwater system. The proposal would militate against the preservation of the rural environment and be prejudicial to public health.
- Inappropriate residential density in a rural area.

### 6.2. Applicant Response

- The site is owned by the applicant and is beside the family home/farm. The applicant proposes to replace an existing stone building with a dwelling.
- Four houses on this lane are in the ownership of family members. House to the north was sold by the applicant's sister due to severe financial difficulties.
- The site is an infill development, between the appellant's property and the family home.
- Applicant's need is a rural generated housing need and complies with policy as set out in the development plan and Ransboro Mini Plan contained therein, which is demonstrated by documentation submitted.
- Given the single storey design, 10m separation distance from the appellant's property to the north and the orientation, the dwelling will not result in overlooking or overshadowing.
- Applicant was granted permission alongside dwelling to the north under 08/863. Neighbouring property was to implement a landscaping scheme which has not been undertaken.

- Applicant is willing to accept a condition to relocate kitchen/dining area so that glazing element of dwelling adjacent to the appellant's property is removed and also to undertake significant mounding/landscaping.
- Application site will not impact on the visual amenities of the area and is an infill site within a cluster of existing development, which comprises predominantly of family members.
- There is no evidence that the number of septic tanks in the area is causing an issue. The dwelling will replace an agricultural shed and its accompanying waste. The proposed treatment system can be accommodated, as assessed by Sligo County Council.

### 6.3. **Planning Authority Response**

No further comment.

### 6.4. **Observations**

None.

### 6.5. **Further Responses**

None.

## 7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Rural Housing Policy
- Impact on Amenity
- Waste Water Treatment System
- Appropriate Assessment

### **Rural Housing Policy**

7.2. The site is located in a rural area which has been identified in the development plan as being under strong urban influence. The site is within the plan limit of Ransboro



Village, but outside the development limit of the village and located within the green belt associated with the village. The proposal is for a one-off house located adjacent to the applicant's family home and farm and accessed from a laneway serving 13 dwellings.

- 7.3. Policy **P-GBSA-HOU-1** (housing need within green belts) sets out criteria for applicants proposing one-off rural housing. A housing need must be demonstrated by certain categories of people, including:
- A: landowners, including their sons and daughters, who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence.
- 7.4. The applicant has not submitted verified documentation to provide evidence of links to the rural area or housing need. Rather a cover letter has been submitted which states the applicant inherited the site from her father, she was raised in the family home/family farm immediately adjoining the site, attended the local school, church and GAA club. The applicant states she is self employed and has a business in Sligo town. She is currently in rental accommodation in Ballisodare with her two young girls, who she fosters. Three of the applicant's siblings have been permitted dwellings immediately north/northeast of the site. The dwelling immediately north of the applicants was sold by her sister due to severe financial difficulties.
- 7.5. I note that neither the planning authority nor the appellant dispute the applicant's assertions in relation to meeting the rural housing need criteria, however I am not satisfied that the full circumstances with regard to housing need have been explored and verified in relation to this application. Given the applicant works in Sligo town, there is no demonstrated need for a dwelling at this rural location, notwithstanding the family links to the area.

### **Impact on Amenity**

- 7.6. In relation to the design and layout of the proposed dwelling, the proposal is single storey, orientated roughly north-south at an angle to the dwelling to the north, with a floor area of 155sqm and overall height of 4.9m. The dwelling is positioned in-between the original farmhouse/farm and a newer single storey dwelling, of similar scale.

- 7.7. The appellant has raised concerns in relation to overlooking and overshadowing as well as impact on the rural landscape.
- 7.8. The site is on lands classified as normal rural landscape. I note the planning authority attached a condition to reposition the dwelling 5m south of the location proposed by the applicant, following a further information request in relation to the farm access.
- 7.9. I consider the design and scale of the dwelling appropriate within its current context, and do not consider it would negatively impact on the amenity of the existing dwelling to the north given distances to boundaries, orientation and proposed landscaping.

### **Wastewater Treatment System**

- 7.10. The applicant proposes a proprietary wastewater treatment system with partially overground polishing filter. The accompanying site suitability assessment indicates the site is over a regionally important aquifer, with vulnerability classified as Extreme. No karst features were noted in the site characterisation form. The site was firm underfoot upon site inspection and the trial hole was empty.
- 7.11. The depth from ground surface to bedrock in the trial hole is indicated as 1.7m (the overall depth of the trial hole). The depth to groundwater is not indicated. The soil type comprises a 400mm layer of sandy silt with silty gravel with pebbles, cobbles and boulders at a depth of 1.3m.
- 7.12. The EPA Code of Practice (CoP) indicates that the site falls within the R2(2) response category where a treatment system is acceptable subject to normal good practice and the following additional condition:

There is a minimum thickness of 2 m unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank system

**Or**

A secondary treatment system as described in Sections 8 and 9 is installed, with a minimum thickness of 0.3 m unsaturated soil/subsoil with P/T values from 3 to 75 (in addition to the polishing filter which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e. 1.2 m in total for a soil polishing filter).

- 7.13. A T-test result of 7.83 min/25mm is indicated. The CoP states that a figure between 3 and 50 indicates the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater.
- 7.14. A P test was undertaken due to the high water table, with the value stated to be 22.56 min/25mm. P test values of between 3 and 75 indicate the site is suitable for a secondary treatment system with polishing filter at ground surface or overground.
- 7.15. The proposal complies with separation distances to key features and scale of percolation area required is acceptable. A well is identified on the mapping, however it is stated that this has been decommissioned and is 30m up gradient of the proposed percolation areas and complies with minimum requirements. There are no watercourses/streams within 170m of the site.

While the site characterisation form submitted indicates the wastewater treatment system proposed can adequately deal with wastewater from the site, I note the vulnerability of the site is characterised as Extreme over a Regionally Important Karstified Aquifer, with the the low T test value indicating the fast draining nature of the soil, in combination with a high level bedrock. In addition there are 13 dwellings accessing this laneway at present, with 5 dwellings in the immediate area of the appeal site all serviced by wastewater treatment systems. Notwithstanding the proposed polishing filter, I am not satisfied on the basis of the information presented before me, in particular given proliferation of wastewater treatments systems in such a vulnerable area, that the development would not be prejudicial to public health.

#### **Appropriate Assessment**

- 7.16. The nearest Natura sites are the Ballysadare Bay SAC and SPA (approx. 2km west of the appeal site) and Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and Cummeen Strand SPA (approx. 4km north of the site). The conservation objective in relation to these sites is to maintain or restore the favourable conservation status of habitats and species of community interest.
- 7.17. There is no watercourse/stream identified within 170m of the site, as indicated on the site characterisation form. The main risk is to the groundwater, which has a risk classification of Extreme, in accordance with the EPA code of practice. It is likely that

the groundwater flow is linked to the Ballysadare Bay SAC and SPA. Given the extreme vulnerability of the site, in addition to the number of wastewater treatment systems in the area, I have concerns in relation to the potential likely and significant impact on the SPA/SAC.

- 7.18. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Ballysadare Bay SAC and SPA, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

## **8.0 Recommendation**

- 8.1. It is recommended that permission for the proposed development be refused for the reasons and considerations set out hereunder.

## **9.0 Reasons and Considerations**

1. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by wastewater treatment systems in the area and would be prejudicial to public health. In the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Ballysadare Bay SAC and SPA, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.
2. 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 identified as greenbelt within the Ransboro Mini Plan in the Sligo County Development Plan 2017-2023, where housing is restricted to persons demonstrating local need, it is considered that the applicant does not come within the scope of the housing need criteria as

set out in the Guidelines 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, would constitute an excessive density of suburban-type development in a greenbelt 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.

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Una O'Neill  
Senior Planning Inspector

6<sup>th</sup> March 2018