



An
Bord
Pleanála

Inspector's Report ABP-300153-17

Development	House and associated works
Location	Barrystown, Wellingtonbridge, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20171126
Applicant(s)	Ellen Kenny
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	Applicant vs Refusal
Appellant(s)	Ellen Kenny
Observer(s)	None
Date of Site Inspection	23 February 2018
Inspector	Hugh Mannion

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1.0 Site Location and Description

1.1. The proposed house is located on a site with a stated area of 0.3597ha in a rural area at Barrystown, Wellingtonbridge, County Wexford. The site is part of a larger pasture field (about 3.5ha) which slopes up east from the public road. The public road is the R736 which links Wellingtonbridge (about 2kms to the north) with the nearest village Carrick (about 3kms to the southeast of the site). The road has a solid white line, no footpaths/cycle paths or public lighting. Opposite the site is Bannow Bay, the estuary of the Carock River. On the same side of the road and south of the application site are four houses, the nearer two are of relatively recent construction and share a splayed access, the third faces gable-on to the public road and dates from the early 20th century while the fourth is indicated as being in the ownership of the applicant's parents and is set back from the road with a good deal of roadside screening.

2.0 Proposed Development

2.1. The proposed development comprises the erection of a single storey house served by a DWWTS, private well and new access to the public road at Barrystown, Wellingtonbridge, County Wexford.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

- The site is served by a substandard road network in a unserviced rural area where it would seriously injure the visual amenity of the coast.
- The proposed development would contravene objective CZM13 and section 18.12 of the Wexford County Development Plan and would comprise an

incongruous and visually obtrusive feature which would seriously injure the visual amenity of the area.

- The proposed development would constitute additional linear coastal development.
- The proposed development does not arise from a rural housing need and therefore contravenes objective CZM10 of the County Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports:

3.2.3. The Environment Section report recommended a grant with a condition referring to compliance with the EPA COP for DWWTS.

4.0 Planning History

There is no documented relevant site history.

5.0 Policy Context

5.1. Development Plan

5.2. The Wexford County Development Plan 2013-2019 is the current County Development Plan for the area.

5.3. Objective RH08

5.4. To facilitate the development of individual houses in the open countryside in 'Coastal Zone/Natural Heritage Areas' in accordance with the criteria laid down in Table No. 12, subject to the applicant demonstrating that the proposed development complies with the policies contained in Chapter 13, that it will not have an adverse impact on natural heritage and subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

5.5. Objective CZM09

To restrict development outside the boundaries of existing coastal settlements to that which is required to be located in that particular location such as:

- Development to support the operation of existing ports, harbours and marinas,
- Agricultural development,
- Tourism related facilities appropriate to the particular coastal location (other than new build holiday home accommodation) where there is a demonstration of a location or resource based need,
- Other developments where an overriding need is demonstrated.

5.6. 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.

5.7. Objective CZM10

To consider one-off housing in areas outside of the boundaries of existing settlements in accordance with the rural housing objectives in the Sustainable Rural Housing Strategy in Chapter 4 and subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

5.8. Objective CZM13

To ensure that developments are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area.

5.9. Natural Heritage Designations

The Bannow Bay SAC, Bannow Bay SPA and the Bannow Bay pNHA are on the opposite side of the public road from the site.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development has adequate sightlines on the public road.
- The proposed development is sensitively designed and will have minimal visual impact.
- The AA screening report concluded that the proposed development will not impact on the sensitive landscape and has had regard to the advice set out at section 18.12 of the Development Plan.
- The proposed development in a 265m long road frontage does not constitute linear development.
- The site is in the ownership of the applicant's family, is close to her parents' house and the applicant wants to return home to manage a local business.
- The proposed development has regard to the advice in 'Building Sensitively in County Wexford' and section 18.12.2.

6.2. Planning Authority Response

- The site is located in a visually sensitive coastal zone and will seriously negatively impact on the visual amenity of the area.
- The proposed development would extend a pattern of linear development.
- The applicant has not demonstrated that there are not more suitable sites on family owned land.

6.3. Observations

- There are no observations.

6.4. Further Responses

There are no further comments.

7.0 Assessment

7.1. Rural Housing Policy.

7.2. The site is located in an area designed as a 'stronger rural area' in the indicative map attached to the Sustainable Rural Housing Guidelines (DOEHLG 2005). These areas are described as having stable populations within a well-developed town and village structure. The guidelines recommend that County Development Plans develop policy to address the housing needs of those who wish to live in the country side.

7.3. The Wexford County Development Plan in Chapter 4 includes Map 6 which designates the area where the site is located as being 'under strong urban influence'. Objective RH01 in relation to houses in areas under strong urban influence is "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. The criteria in table 12 are, *inter alia*, that applicants should be local rural people who have been born and/or lived in the area for five years, including returning emigrants. Local persons are those who are long-term rural landowners, or sons or daughters or successors of such persons. Additionally, persons who have an employment related need to live in a specific rural area or who will operate a business from their home should be facilitated.

7.4. The applicant makes the case that she lives abroad, her parents live close by, and she wishes to return to work locally. The applicant has not demonstrated that she has a housing need for the specific area, the applicant is not the daughter of the landowner, her employment is not related or proposed to be related to this specific area and I conclude therefore that the application has not demonstrated that it falls into a category provided for in objective RH01 or table 12 of the plan.

7.5. Chapter 18 in relation to one off rural housing (Siting and Design of one off Rural Dwellings 18.12.2) states that such houses should blend into the landscape and not be visually prominent, reflect the position of nearby houses (this is not being forward or behind nearby dwellings), and external materials should enable the building to blend into the landscape.

7.6. The area generally has an open aspect as the road heads south from Wellingtonbridge. The field slopes up from the coast road and while there is a roadside hedge this will not provide significant screening. The submitted drawings illustrate a 6m slope within the site. The proposed house is about 15m forward of the houses to the south. It may also be noted that while the proposed house is single storey and modernist in design the nearby houses to the south are two storey and individualist in design. Overall, I agree with the planning authority that having regard to the open coastal nature of the countryside in the area, the absence of significant screening and the elevation of the proposed house above the adjoining road that the proposed development would be visually prominent in the area and would seriously injure the visual amenity of the area.

7.7. **Coastal Zone Management**

7.8. The application site is within an area designated a 'Coastal Zone' in map number 11 in the County Development Plan. The plan distinguishes between development within existing settlements and development proposed outside these settlements and objective CZM09 of the plan sets out examples of development within Coastal Zones which may be acceptable outside existing development boundaries as development to support the operation of existing ports, harbours and marinas, agricultural development, tourism related facilities and other developments where an overriding need is demonstrated.

7.9. The appellant makes the case that her parents reside nearby, that the site is within the ownership of her extended family and that she wishes to return home to manage a business in the area.

7.10. The proposed development is not within an existing settlement and is not related to ports/harbours, agriculture or tourism. Notwithstanding the points raised in support of the application and appeal the application has not demonstrated an overriding need to erect a house in this particular unserved coastal rural area and I conclude that

the proposed development would material contravene an objective set out in the County Development Plan.

7.11. Effluent Disposal.

7.12. The County Development Plan (paragraph 18.12.01) requires that sites for rural housing should be capable of accommodating a private wastewater system where required which meets current regulations and there should be a satisfactory and safe supply of drinking water to the site. The current standards are set out in the EPA code of practice for Wastewater Treatment and Disposal Systems serving Single Houses (2009). Table 6.3 of the COP sets out effluent infiltration times into subsoil which indicate the level suitability of a proposed site for the treatment of domestic effluent. The table states that a T of less than 3 indicates that a site is unsuitable because the infiltration rate is too fast and retention time of the effluent in the soil is insufficient to ensure adequate treatment prior to entering the groundwater. The site suitability assessment submitted with the application states that the average T was 1.36 but concludes, against the advice of the COP, that the site is suitable for the disposal of effluent. It may be noted that the percolation tests were carried out in January 2017. I conducted by site inspection in February 2018 and there was significant water ponding on site. The site suitability assessment form also indicates that soils within the percolation area should be removed to a depth of 2m below current ground level and that the area be infilled with suitable material 1.2m deep under the percolation trenches. These works are not consistent with a finding of suitability for septic tank effluent disposal to ground water.

7.13. The planning authority's scientific advice did not recommend refusal on the basis of unsuitability for the disposal of wastewater. The application also provides for a private well which is indicated on the site plan as being 60m distant from the proposed septic tank/percolation area; this separation distance complies with Table B.3 in the EPA COP. On the basis of the application and my observations on site I conclude that the application has not demonstrated that the site is suitable for the

disposal of septic tank effluent in accordance with the EPA COP. If the Board is minded to refer to this matter in its decision it should be raised with the applicant.

7.14. Traffic Safety.

7.15. The proposed new access is onto the R736 on a stretch where the 80kph speed limit applies. The application drawings show sightlines in both directions of 135m. There are no planning authority engineer's reports available. I conclude on the basis of the material submitted with the application and my observations on site that the proposed development would not endanger public safety by reason of traffic hazard.

7.16. Appropriate Assessment Screening

7.17. The application included an AA screening report. The site is about 10m from and on the other side of the road from the Bannow Bay SAC (000697) and Bannow Bay SPA (004033). The screening report sets out the qualifying interests and conservation objectives for these European sites. Using the source-pathway-receptor model the screening report identified surface and ground water run off as the potential sources of impact. The report states that the use of gravel driveways within the site will reduce the likelihood of hydrocarbons from the application site entering the European sites, that the scale of the proposed development is modest, that foul effluent will be treated on site and that the site is suitable for such discharge. The report concludes that there will be no likely significant effects on the Bannow Bay SAC (000697) and Bannow Bay SPA (004033) arising from the proposed development.

7.18. The screening report identifies other European sites as: Ballyteige Burrow SAC (000696) 4.2kms distant, Ballyteige Burrow SPA (004220) 4.6kms distant, Hook Head SAC (000764) 5.2kms distant, Saltee Islands SAC (000700) 10kms distant, the River Barrow and River Nore SAC (002162) 10.8kms. The screening report concludes that there are no likely significant effects on these sites because there is no pathway between these sites and the application site.

7.19. Notwithstanding my concerns in relation to the disposal of domestic waste water within the site set out above I generally agree with the assessment and conclusions of the appropriate assessment screening report submitted with the application. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development,

individually or in combination with other plans or projects would not be likely to have a significant effect on the Bannow Bay SAC (000697) and Bannow Bay SPA (004033) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. Having regard to the foregoing I recommend refusal for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development is located in an area designated 'Coastal Zone' in the Wexford County Development Plan 2013-2019 where it is a policy of the planning authority to restrict development outside settlement boundaries to development related to the operation of existing ports, harbours and marinas, agricultural development, tourism related facilities, and developments where an overriding need for such development has been demonstrated and to ensure that developments are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area. Having regard to the open, coastal aspect of the landscape in the area, the lack of screening within the site, the elevated positioning of the proposed development, and the resulting extensive driveway it is considered that the proposed development would form a discordant and obtrusive feature in the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable

development of the area.

2. Having regard to the location of the site within a Stronger Rural Area 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 current Wexford 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 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.

Hugh Mannion

Senior Planning Inspector

8th March 2018