



An
Bord
Pleanála

Inspector's Report ABP-300384-17

Development	A dwelling and wastewater treatment unit and percolation area, with entrance from public road.
Location	Stonepark, Longford, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	17/244
Applicant(s)	Hugh McGinley.
Type of Application	Outline Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Hugh McGinley.
Observer(s)	None.
Date of Site Inspection	20 th February 2018.
Inspector	Patricia Calleary

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of two hectares is located along the R397 regional road between Longford town and Ballymahon, in County Longford. It is approximately three kilometres south of Longford town and 1.2km south of industrial and retail warehouse units on the outskirts of the town. It is 700m south of the junction with the N63 national road. The Royal Canal is located to the west of the R397 which fronts the site.
- 1.2. The site is currently accessed via an entrance off the R397. The access is positioned at the inner side of a bend in the road and there is a continuous white line along the centre of the road along fronting the site.
- 1.3. The site is reasonably flat. It is bounded on the west, north and east by mature hedgerows and there is a timber post and rail fence separating it from a site to the south which is occupied by a dormer dwelling. The neighbouring area is agricultural in nature and there is a significant number of single houses located in the vicinity and low-density housing developments in Stonepark village settlement which lies south and close to the site.

2.0 Proposed Development

- 2.1. **Outline planning permission** is sought for a dwelling together with an on-site wastewater treatment unit and percolation area. The access would be off the R397 regional road and is shown as having a shared arrangement with a second house previously permitted under Planning Ref No. 13/135 and which is currently under construction. The access is shown on the site layout plan as being modified and widened at a point where it is proposed to meet the roadside and two driveways would be formed just inside the entrance, to individually serve each of proposed and permitted house.
- 2.2. In addition to the standard drawings and details, the planning application includes a completed supplementary information section (Q.26, 27 and 28) and is accompanied

by a cover letter, a supplementary form (Roads Form 1 – Traffic Projections) and a completed EPA Site characterisation form.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority (PA) issued a notification to refuse permission for three stated reasons, which can be summarised as follows:

- **R1:** The PA are not satisfied that the proposed effluent treatment system in conjunction with others would not pose a risk to water quality and public health arising out of contaminated effluent. (Section 3.2.2.1 HOU RUR 7 policy referred).
- **R2:** Excessive density would result at an un-serviced rural area resulting in pressure for the provision of uneconomic community and public services.
- **R3:** Contrary to policy to protect agricultural lands from unsustainable patterns of development and ribbon development (Section 3.2.2.1 and HOU RUR 3 policy referred).

3.2. Planning Authority Reports

3.2.1. The main points of the planning officers report are summarised under.

- Due to the high concentration of septic tanks in a sensitive area, concerns are raised that the development would pose a risk to ground and surface water quality and public health.
- Proposal would not comply with development plan policy for the protection of agricultural lands and the prevention of unsustainable speculative urban-generated commuter and ribbon development.
- Recommends refusal for three reasons.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

- Irish Water – No objection subject to conditions.

3.4. Third Party Observations

- None

4.0 Planning History

4.1. Appeal Site

- **Planning Ref No. 13/135** – Permission was granted on 23rd September 2013 for a two-storey house, garage and on-site effluent treatment unit with percolation area. **Condition No.2** of the grant of permission required that no further development would be permitted within the landholding outlined on the site layout drawing submitted with the application, with the stated reason to protect against overdevelopment of the area.

4.2. Other

- **PL14.245711** – This Board decision was referenced by the appellant. It relates to an application for outline permission for a replacement dwelling and all ancillary site works at Lissanurlan, Longford, County Longford and which was granted by the Board on 11th February 2016.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The provisions of the Longford County Development Plan 2015-2021 apply. The site is c.45m to the north of the development envelope of Stonepark as shown in the Longford County Development Plan. Stonepark is listed as a Tier 6 'Rural Service Settlement' in the Plan and is one of 40 designated settlements, excluding Longford Town and Environs, for which different levels have been identified and specific development envelopes applied.
- 5.1.2. Within Tier 6 areas, small-scale residential development alleviating the pressures for one-off housing in the open countryside will be permitted. The Development plan

also provides that these areas are intended to cater for local need, in a similar manner to current one-off housing policy.

5.1.3. The following policies and provisions are relevant to the appeal.

- Section 3.2.1.1 Rural Areas – General Policy and objectives.
- HOU RUR 1 - Assessment of residential development in rural areas shall be guided by suitability of an area in terms of its sensitivity, ability to accommodate development and compliance with technical standards.
- Rural Housing Need Policy CS 12 sets out 'Categories of Applicant' which would be considered for the development of housing in rural areas with a view towards sustaining rural communities.
- Policy CS 13 – Longford County Council shall strictly apply policy CS 12 in the vicinity of designated settlements in order to prevent over-proliferation of urban-generated one-off housing rural areas.
- HOU RUR 3 - Outside designated settlements and development envelopes, there shall be a presumption against extensive urban-generated commuter development, ribbon development, development by persons who do not intend to use the dwelling as their primary residence and unsustainable, speculator-driven residential units. A sustainability statement is required to be submitted and this shall inform part the assessment.
- HOU RUR 5 - Ribbon development of one-off housing extending out along routes from settlements shall be actively discouraged.
- HOU RUR 7 - It is the policy of the Council to have regard to the Sustainable Rural Housing Guidelines for Planning Authorities, April 2005.

5.1.4. I attach relevant extracts and policies from the Development Plan on the file.

5.2. **Natural Heritage Designations**

5.2.1. The site is not located in or close to any Special Area of Conservation (SAC) or Special Protection Area (SPA) European site. The Royal Canal proposed National Heritage area (pNHA) with a Site Code 002103, is located close to the west of the road fronting the site and part of the pNHA directly adjoins a portion (c.70m long) of the appeal site boundary.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from Vitruvius Hibernicus on behalf of the first party. A summary of the relevant planning matters raised in the grounds of the appeal are set out in bullet format directly below. Equality matters are also raised.

- The land was purchased by the applicant's father with the benefit of permission under 13/135, which is due to expire in 2018.
- Proposal is very similar to that permitted under 13/135 and should accordingly be permitted.
- Percolation tests results are similar to those carried out on the same lands under Planning ref: 13/135, both of which are deemed to have passed by the site assessor. The site size is adequate to treat effluent.
- Stonepark is a built-up area and is in effect a suburb of Longford town.
- The density cannot be considered excessive having regard to the site size.
- Since the Planning Authority permitted a dwellinghouse on the site under Planning ref: 13/135, the lands associated with the current proposal cannot be deemed agricultural lands.

6.2. Planning Authority Response

- None

6.3. Observations

- None

7.0 Assessment

7.1. Introduction

- 7.1.1. The appellant is seeking outline planning permission for a house and an on-site wastewater treatment plant. A two-storey house, garage and on-site effluent treatment unit were previously permitted under planning ref: 13/135 on the site. The appeal states that the permission granted under 13/135 has not been availed of yet, however, on the day of my inspection, the house foundation, a raft design, had been constructed. The proposed house under the current proposal would be accessed from the public road via the same entrance point as the house which is permitted (and currently under construction) under 13/135 in a widened and shared entrance arrangement. Each of the two houses would be served by separate driveways off the shared entrance.
- 7.1.2. The appellant asserts that the site can accommodate a house and effluent treatment system and that permission should be granted like the house which was granted permission under planning ref: 13/155.
- 7.1.3. Planning ref: 13/155 relates to a grant of permission (September 2013) for a two storey house on the appeal site. Condition No.2 of that permission stipulated that no further development would be permitted within the landholding outlined on the site layout drawing submitted with the application, with the stated reason to protect against overdevelopment of the area. This condition was not appealed and accordingly remains attached. Nonetheless the current proposal requires assessment based on its own planning merits having regard to current applicable planning policy and my assessment continues accordingly.
- 7.1.4. The main planning-related issues which arise, and which I consider in the remainder of my assessment are:
- Consideration of Planning Policy (including Refusal Reasons Nos. 3 and 1)
 - Effluent treatment (including Refusal Reason No.2)
 - Appropriate Assessment

7.2. Consideration of Planning Policy

- 7.2.1. I note that Refusal Reason No.3, attached to the PAs decision to refuse permission referring to Policy HOU RUR 3 of the development plan, states that no rural-generated housing need was demonstrated. The appellant, who would be the intended occupier of the house, is stated as being from rural Longford. It is stated that he and his wife and child currently reside with his parents in Glack, Longford and that he works locally as a painter. It is also stated that his father is the owner of the site, having purchased it in 2016.
- 7.2.2. The site is c.45m north of the identified development envelope associated with Stonepark. Stonepark is a Tier 6 'Rural Service Settlement' in the Longford County Development Plan. Having regard to the provisions of the Longford County Development Plan, and that the site is outside of the designated settlement envelope, Policy CS 13 is relevant. Under this policy (CS 13), Longford County Council states that it shall strictly apply Policy CS 12 in the vicinity of Designated Settlements in order to prevent over-proliferation of urban-generated one-off housing in the rural area. In this regard, the application requires assessment as a house in a rural area. I consider a key factor is to establish whether or not a rural generated housing need has been established.
- 7.2.3. I note that the application or appeal are not accompanied by a statement indicating the sustainability of the proposal including the criteria outlined under Rural Housing Need Policy CS 12 contained in the Development Plan, as is required for this type of application and to demonstrate compliance with Policy HOU RUR 3. The 'Categories of Applicant' which are considered for the development of housing in the rural area with a view towards sustaining rural communities include:
- Members of farm families, seeking to build on the family farm;
 - Landowners with reasonably sized farm holdings who wish to live on their land;
 - Members of the rural community in the immediate area, this includes returning emigrants or other children with remaining substantial family or community ties, who wish to permanently settle in the area;

- Person whose primary full or part-time employment is locally based or who are providing a service to the local community.

7.2.4. In the absence of the required sustainability statement and based on the information provided with the application and appeal, it has not been demonstrated that the appellant meets the criteria outlined in Rural Housing Need Policy CS 12 at this location. I do not consider therefore that the proposal is one which can be deemed to contribute to sustaining the rural community as it does not fulfil a specific rural housing need as is required under applicable Development Plan Policy HOU RUR 3.

7.2.5. Furthermore, the development would contribute to an unsustainable pattern of ribbon development of one-off housing extending out along a route from a settlement which under Policy HOU RUR 5 of the Longford Development Plan 2015-2021 is required to be actively discouraged.

7.2.6. Having regard to the above, the proposed development would be contrary to the proper planning and sustainable development of the area. Refusal Reason No.3 attached to the Planning Authority's decision is therefore reasonable.

7.2.7. Refusal Reason No.2 centres on the Planning Authority's view that the development would give rise to an excessive density of development in an un-serviced rural area. This would give rise to further pressure for community and public services, which would be uneconomic to provide and, if permitted, would be contrary to the proper planning and sustainable development of the area. The appellant asserts that at one house per 2.5 acres, it could not be considered as excessive density. Noting the rural nature of the site, where density is not normally an assessment measure, I would agree with the appellant that the density is not excessive. I also note that the site is serviced with water. However, it is not serviced by a public sewer, footpaths or lighting and in this regard and noting its location outside of any designated settlement, it would not be supported by Policy HOU RUR 3 which I have dealt with in greater detail in my consideration of Refusal Reason No.1 above. Neither does the proposal comply with Policy HOU RUR 7 which states that the Council will have regard to the Sustainable Rural Housing Guidelines for Planning Authorities, April 2005 which provides guidance to Local Authorities on rural housing including defining categories of persons with rural generated housing needs. Longford County

Council has set out their policy through Policies HOU RUR 3, CS 12 and CS 13 as discussed above.

- 7.2.8. Accordingly, the development is not considered to follow the principles of proper planning or sustainable development of the area and Refusal Reason No.2 is appropriate.

7.3. Effluent Treatment

- 7.3.1. Refusal Reason No.1 of the Planning Authority's decision to refuse permission relates to effluent treatment. The PA state that they are not satisfied that the proposed effluent treatment system when taken in conjunction with previously permitted treatment systems adjoining the site would not result in pollution entering surface and ground waters and would consequently pose a significant threat to public health and water quality and would accordingly lie contrary to Policy HOU RUR 7 of the Longford County Development Plan as a result. This policy (HOU RUR 7) requires having regard to the Sustainable Rural Housing Guidelines for Planning Authorities (2005). The appellant states their disagreement with this reason because the percolation test results revealed that the soils are suitable for the safe treatment of effluent. Having reviewed the Site Characterisation form and details submitted with the application, I note that the site characterisation assessment has followed the requirements set out under the EPA Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses [Population equivalent (pe <= 10)]. Following my site inspection, I have some concerns as the area in which the percolation area would be located was wet underfoot and the groundcover at the location included rushes which is indicative of poor draining soils and a high-water table. The trial hole was closed over on the day of my inspection and therefore I did not have the opportunity to inspect the water table or soil characteristics. However, I noted that the soils which had been recently excavated on site to accommodate a raft foundation for the house currently under construction, were in accordance with the soil types, primarily clays, referenced in the description of the trial hole, as set out in the site characterisation form. It is also indicated on the form that the water table was at 1.75m below ground level.
- 7.3.2. On balance, having reviewed the information presented on the Site Characterisation form, I am satisfied to accept the arguments put forward by the appellant that the

ground has been deemed suitable for the safe disposal of effluent using a packaged wastewater treatment system and accordingly I am satisfied that this element of the development, once properly installed and maintained, would not give rise to any significant risk of pollution of surface or ground water or to human health. While I note the Planning Authority's concerns regarding risks to public health and to ground and surface water quality when taken in conjunction with permitted treatment systems on adjoining sites, I am satisfied that such risks cannot be significant having regard to the treatment technology proposed and that the design complies with minimum separation distances from features including other such waste water systems, as set out in Table 6.1 of the EPA Code of Practice. I also note that the Local Authority's environment section did not raise any issue in relation to effluent treatment proposals during consideration of the planning application by the Planning Authority. In this regard, I do not recommend that reason No.1 of the Planning Authority's decision should form a basis for refusal of permission.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development and the separation distances to the nearest European sites, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

8.0 **Recommendation**

- 8.1. Further to the above planning assessment of matters pertaining to this appeal, including consideration of the written appeal, and including my site inspection, I recommend that outline permission is **refused** for the proposed development for the Reasons and Considerations set out directly below.

9.0 **Reasons and Considerations**

1. Policy CS 13 contained in the Longford Development Plan 2015-2021 sets out that the Planning Authority shall strictly apply policy CS 12 in the vicinity of

Designated Settlements in order to prevent over-proliferation of urban-generated one-off housing in the rural area. The documentation received with the planning application and appeal have not been accompanied by a statement indicating the sustainability of the proposal with specific reference to Rural Housing Need Policy CS 12 and 'Categories of Applicant' which shall be considered for the development of housing in the rural area with a view towards sustaining rural communities. The proposed development of a new dwelling in a rural area located outside of any settlement or development envelope, does not therefore fulfil a specific rural housing need as is required under applicable Development Plan Policies HOU RUR 3 (presumption against urban commuter development outside of designated settlements) and HOU RUR 7 (have regard to the Sustainable Rural Housing Guidelines for Planning Authorities, 2005). Accordingly, it has not been demonstrated that the proposed development would contribute to sustaining the rural community in which it is proposed. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The development would contribute to an unsustainable pattern of ribbon development of one-off housing extending out along a route from a settlement which under Policy HOU RUR 5 of the Longford Development Plan 2015-2021 is required to be actively discouraged. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Patricia Calleary
Senior Planning Inspector

05th March 2018