



An  
Bord  
Pleanála

## Inspector's Report ABP-301361-18

---

<b>Development</b>	Construction of a two storey type dwelling house with Detached Garage, Entrance, Boundary Wall/Fence, Septic Tank with Percolation Area and all ancillary site works
<b>Location</b>	Cloonagh, Drumlish,, Co. Longford.
<b>Planning Authority</b>	Longford County Council
<b>Planning Authority Reg. Ref.</b>	17/301
<b>Applicant(s)</b>	Desmond Connolly and Diane O'Hara
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Thomas P. McKeon
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> July 2018
<b>Inspector</b>	Niall Haverty

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.37 ha, is located in the townland of Cloonagh, c. 2km south west of the village of Drumlish in Co. Longford.
- 1.2. The site is located on the southern side of a narrow cul-de-sac road which runs in a north west – south east direction, accessed from a local road. The R198 is located further to the north west, parallel to this local road. The surrounding area is generally in agricultural use, with some ribbon development along the local roads in the vicinity. The cul-de-sac road currently serves a small number of agricultural premises and dwellings. The appeal site forms part of a larger field, and comprises relatively flat undeveloped grassland. It is irregularly shaped and is currently bounded by hedgerow to the north east and south, while the north western and south western boundaries are currently undefined.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a two storey dwelling house with detached garage, entrance, boundary wall/fence, septic tank with percolation area and all ancillary site works.
- 2.2. The proposed house, as amended on foot of a request for further information, is rectangular in plan, with a centrally located two storey projecting polygonal element at the entrance. The windows generally have a vertical emphasis, with decorative surrounds. The first floor window within the projecting element has an arched top, and the front door has a fanlight above it. The roof is pitched and hipped with a slate finish and chimneys at either side. The elevation treatment is generally nap plaster, with the projecting element on the front elevation finished in stone. The house would have four bedrooms, a stated gross floor space of 247 sq m and maximum ridge height of c. 8.5m. The proposed detached garage would have a stated gross floor space of 33.75 sq m.
- 2.3. The proposed house would be oriented with its front elevation facing north east towards the new entrance from the road. The detached garage would be located to the south east of the house, while the septic tank and percolation area would be

located to the east of the house. The proposed bored well would be located to the south of the house.

- 2.4. It is proposed to remove the existing roadside hedgerow, and replace it with a fence and native planting set back 3m from the road edge. Similar fencing and planting is proposed to the other boundaries.
- 2.5. The application was accompanied by a letter of consent from the landowner, site characterisation form and information relating to rural housing needs.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. Longford County Council decided to grant planning permission and the following summarised conditions are noted:
  - C2: Seven year occupancy condition.

#### **3.2. Planning Authority Reports**

- 3.2.1. The Planning Officer's final report can be summarised as follows:
  - Applicants have adequately addressed all the issues raised in the further information request.
  - The applicants have indicated their connection to the area and that the proposed dwelling will be their permanent place of residence. It is considered that the applicants comply with the criteria set out in policy CS12 of the Development Plan.
  - Development is in keeping with the proper planning and sustainable development of the area.

#### **3.3. Other Technical Reports**

- 3.3.1. Area Engineer: No objection, subject to conditions.

### **3.4. Prescribed Bodies**

3.4.1. Irish Water: No objection.

### **3.5. Third Party Observations**

3.5.1. Third party observations were made by Thomas McKeon at application stage, and following the request for further information. The issues raised were generally as per his appeal.

## **4.0 Planning History**

### **4.1. Appeal Site**

4.1.1. I am not aware of any planning history on the appeal site.

### **4.2. Surrounding Area**

4.2.1. I am not aware of any recent relevant planning history in the surrounding area.

## **5.0 Policy Context**

### **5.1. Sustainable Rural Housing Guidelines for Planning Authorities 2005**

5.1.1. The Rural Housing Guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and generally be compatible with the protection of water quality, the provision of a safe means of access in relation to road and public safety and the conservation of sensitive areas.

### **5.2. Longford County Development Plan 2015-2021**

5.2.1. The appeal site is located on unzoned rural lands which are not subject to any particular designation, or close to any protected views or identified sensitive/high value landscapes.

- 5.2.2. Policy CS 12 sets out the categories of applicant who shall be considered for the development of housing in the rural area, and states that speculative and sustainable urban generated housing development will be discouraged.
- 5.2.3. Policy CS13 states that Policy CS 12 will be strictly applied in the vicinity of Designated Settlements in order to prevent over-proliferation of urban-generated one-off housing in the rural area.
- 5.2.4. Section 3.2.2 of the Development Plan relates to housing in rural areas and Policies HOU RUR 1, 2, 3, 4, 5, 7, 8, 9 and 10 are noted.
- 5.2.5. Annex 3 of the Development Plan sets out rural design guidance.

### **5.3. Natural Heritage Designations**

- 5.3.1. The closest European sites are the Ballykenny-Fisherstown Bog SPA (Site Code 004101) and the Lough Forbes Complex SAC (Site Code 001818), both of which are located c. 5km west of the appeal site, while Clooneen Bog SAC (Site Code 002348) is located c. 7km to the west.
- 5.3.2. There are also a number of NHAs in the area, the closest of which are the Cloonageeher Bog NHA and the Rinn River NHA, which are 3.5km and 4.5km to the west, respectively.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A third party appeal was submitted on behalf of Thomas McKeon by Sean Lucy & Associates. The issues raised can be summarised as follows:
  - Appellant has no objection to the applicant seeking permission for a house in the area.
  - Issue arising relates to the protection of the appellant's farming interest on both sides of the laneway and his ability to operate and improve his farmyard and use the private laneway without interference or objection from residential development in immediate proximity to his farmyard.

- Site is 36m south east of a working farmyard, and 55m to the south east of the site is a second working farmyard in the ownership of the appellant. Position is contrary to the protection of agricultural environment and the creation of residential amenity.
- Laneway from which it is intended to access the site serves two farms and their farmyards and dwellings. Applicant has no right of way over private laneway and there is no gateway accessing her family lands from this laneway.
- Appellant winters his cattle in dry sheds 55m to the south east of the appeal site.
- Unrelated dwelling house places a significant restriction on the ability of a farmer to improve and develop his farmyard. Persons living in proximity to working farmyards tend to object to any proposed development works thereon.
- Occupancy conditions only require 7 years occupancy by the applicant, after which the house can be sold on to a third party with no experience of the rural environment and the needs of the farming community.
- Site's suitability must be assessed having regard to the surrounding environment.
- Applicants have no evidence of a right of way to enable them to locate an entrance from the private lane. They have not shown sufficient legal interest to enable them to make an application.
- Proposed development is contrary to Policy HOU RUR1.

## 6.2. Applicant Response

6.2.1. A response to the appeal was submitted on behalf of the applicant by Cunningham Design & Planning and can be summarised as follows:

- The proposed development is not located between two working farmyards. It is located between the appellant's working farmyard and another yard which is

not a working farmyard, it is outbuildings which are not in regular use and the persons who reside here have no objection to the proposed development.

- Applicants have no intention of causing any harm or disruption to the appellant's farm. The applicant grew up c. 300m from the proposed site and her sister's home is 400m from the site. She is aware of the surroundings and the farming activities.
- There is a clear boundary that defines the site. This in no way impedes the development or extension of the appellant's farm.
- Laneway serves an additional house beyond those stated by the appellant.
- Longford County Council has confirmed to the applicants that the cul-de-sac from which access to the site is proposed is a public road (L-50302). Copies of correspondence submitted. There is no need to demonstrate a right of way,
- In addition, the applicant's father owns the lands to which the application relates. The landholding extends to the centre of the adjoining public road, and therefore the applicant's father owns the front boundary hedgerow of the site in its entirety (folios and maps submitted).
- Letter and local housing need form demonstrate that the applicants meet the housing provisions of Policy HOU RUR3 and CS 12 of the Development Plan.

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

6.3.1. None.

### **6.4. Observations**

6.4.1. None.

### **6.5. Further Responses**

6.5.1. None.

## 7.0 Assessment

### 7.1. Key Issues

7.1.1. I consider that the key issues in determining the appeal are as follows:

- Compliance with rural housing policy.
- Proximity to agricultural premises.
- Design, siting and layout.
- Site access.
- Wastewater treatment.
- Appropriate Assessment.

### 7.2. Compliance with Rural Housing Policy

7.3. The appeal site is located in a rural area c. 2km south west of Drumlish and c. 8km north of Longford Town. Policy CS 12 of the Development Plan states that speculative and unsustainable urban generated housing development will be discouraged in the rural area and it sets out the following categories of applicant who shall be considered for the development of housing in the rural area:

- 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 their children with remaining substantial family or community ties, who wish to permanently settle in the area.
- Persons whose primary full or part-time employment is locally based or who are providing a service to the local community.

7.4. Policy CS 13 states 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.



- 7.5. Policy HOU RUR 3 states that outside designated settlements “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”. The Policy requires applicants to submit a statement addressing the following criteria:
- a) The reason for the location of the proposed dwelling in a particular locality.
  - b) The connection or close relationship between the applicant and/or proposed resident and the locality in which the proposed dwelling is to be situated and the criteria outlined in CS 12.
  - c) The place of employment of the applicant and/or proposed resident where relevant.
  - d) A demonstration of the ability of the applicant and/or proposed resident to provide, at their own expense, the services required to sustain the proposed development without detrimental impact on road safety, water quality, public health, views and prospects, landscape, environmental integrity and amenity.
- 7.6. The applicants have a current address in Drumlish village, c. 2km from the appeal site, which is stated as being a rented house, and both applicants work in Longford Town, c. 8km from the appeal site. The applicants are both stated to have been born and raised in County Longford, and state that they are actively involved in various sporting and community activities in the area.
- 7.7. The appeal site is located within Ms O’Hara’s father’s landholding and both her parents and sister are stated to live in the immediate area. There is no indication within the documentation on file that either applicant has any involvement in agricultural activity.
- 7.8. Taking the information submitted with the application into account, I consider that the applicants have satisfied Policy CS 12 of the Development Plan to be considered for housing in the rural area, as they have demonstrated that they are members of farm families seeking to build on the family farm, or conversely, members of the rural community in the immediate area. However, while the applicants have demonstrated compliance with the Development Plan requirements for rural generated housing need, I note that as stated in both the Development Plan and the Rural Housing

Guidelines for Planning Authorities, the acceptability of any individual housing proposal is subject to compliance with good planning practice.

## 7.9. Proximity to Agricultural Premises

- 7.9.1. The appellant states the proposed development is located between two working farmyards and contends that the introduction of a house is contrary to the protection of the agricultural environment, and that the existing agricultural practices and infrastructure are not conducive to the creation of a high quality residential environment. The appellant further contends that the proposed development could impact on any future improvement works within his farmyard.
- 7.9.2. The existing agricultural buildings that are located c. 35m north west of the appeal site are indicated as being within the applicants' father's landholding. In response to the appeal, the applicant state that this is not a working farmyard, but outbuildings that are not in regular use. Having regard to the land ownership situation, I do not consider that the agricultural structures to the north west are likely to conflict with the proposed residential use.
- 7.9.3. With regard to the appellant's farmyard, this is located c. 55m south east of the eastern boundary of the appeal site, and includes dry sheds for the wintering of his cattle. The appellant also states that said cattle are farmed on the lands surrounding the applicants' father's landholding. I would agree with the appellant that the introduction of residential uses in close proximity to existing agricultural premises has the potential to impact on the continued operation and future expansion of such premises, and that the two land uses are not necessarily compatible, particularly where the residents of the house have no involvement in agriculture. I note in this regard that the applicants both work in Longford Town, and while they state that they are conscious of the rural environment and the farming activities that take place, I would concur with the appellant that, should the house be sold following the standard 7-year occupancy clause, future occupants of the house may not share such an understanding of agricultural practices.
- 7.9.4. As noted in Section 2.1.6.1 of the Development Plan:

“Local, Regional and National Policy encourages new developments to locate in existing towns and villages where the basic social and infrastructural

services are available and where such services may be provided or expanded on an economic basis. This policy direction has the primary aim of facilitating sustainable live-work patterns to strengthen the existing urban centres in order to encourage enhanced commercial and employment opportunities, to provide an increased range of social and recreational facilities and to protect the agricultural industry and rural areas." [my emphasis.]

7.9.5. The appeal site is located within an agricultural area, in close proximity to an existing agricultural premises that is within third party control. Notwithstanding that the applicants satisfy the requirements for rural housing set out in the Development Plan, I consider that the proposed development would constitute an unsuitable form of development on the appeal site that would fail to protect the agricultural industry in the vicinity and that would result in the potential for a poor quality residential environment for future occupants of the proposed development by virtue of noise, odour and traffic resulting from the existing housing of cattle and associated agricultural activities in the vicinity. I therefore recommend that planning permission be refused on this basis.

#### **7.10. Design, Siting and Layout**

- 7.10.1. I do not consider the appeal site and surrounding area to be particularly sensitive from a landscape and visual perspective and I note that there are no protected scenic viewpoints, routes, protected structures or recorded archaeological sites in the immediate area.
- 7.10.2. Due to the location of the appeal site on a cul de sac, and the presence of relatively large agricultural buildings between the appeal site and the local road to the north west, the proposed development will not be particularly visible from the surrounding area or intrusive within the landscape. I noted that it is also proposed to retain the existing mature hedgerow to the south, and to establish new hedgerows and trees to the western, northern and set-back eastern boundaries, which would assist in embedding the proposed house within the landscape.
- 7.10.3. With regard to the design of the house itself, I consider the revised design, submitted in response to the request for further information, to be generally consistent with the principles set out in the Longford Rural Design Guidance (Annex 3 of Development

Plan). The proposed house would feature relatively restrained elevational treatments, with the exception of the projecting two storey polygonal element, and a high solid to void ratio, with a well-proportioned fenestration arrangement with a vertical emphasis. With regard to the roof profile, the Design Guidance states that hipped roofs can be utilised to reduce the visual bulk of square plan houses, which I consider to be appropriate in this instance. With regard to the octagonal projecting element, I consider that this is an unduly prominent feature that detracts from the character of the house by interfering with the main roof profile, introducing an unnecessarily complex element to the front elevation and increasing the bulk and overall depth of the house. If the Board is minded to grant permission, I recommend that a Condition be attached requiring revised drawings of the house be submitted for the agreement of the Planning Authority, with this element of the design omitted.

7.10.4. Subject to this condition, I consider the design and layout of the proposed development to be acceptable.

#### **7.11. Site Access**

7.11.1. The appellant contends that the cul de sac laneway is a private road, and that the applicants do not have sufficient legal interest to provide a new access onto this road or right of way over the lands. In responding to the appeal, the applicants have submitted correspondence from Longford County Council (LCC) stating that the road is road number L-50302 and that it is in the charge of LCC. Information relating to the land folio was also submitted, indicating that the landholding terminates at the road centreline, with the boundary hedgerow where the entrance would be positioned being located within the landholding.

7.11.2. For the purposes of this assessment, I am satisfied that the applicants have demonstrated sufficient legal interest to make the planning application. However, as stated in section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development. Therefore, should the Board be minded to grant permission, the developers must be certain under civil law that they have all necessary rights in the land to execute the grant of permission.

## 7.12. Wastewater Treatment

- 7.12.1. A Site Characterisation Form was submitted with the application, which indicates that the soil type in the area is mineral poorly drained (mainly acidic). The area is designated as a 'Locally Important' (LI) aquifer and is of 'High' vulnerability. This results in a groundwater protection response of 'R1', "acceptable subject to normal good practice". The direction of groundwater flow is indicated as being south west.
- 7.12.2. The trial hole encountered clay to a depth of 0.15m, with silt/clay to 0.6m and sandy silt to the full 2.1m depth of the excavation. Neither bedrock nor the water table were encountered, and there was no evidence of mottling. With regard to percolation characteristics, a T value of 27.67 minutes/25mm and a P value of 31.67 minutes/25mm were recorded. These results are consistent with the soil types recorded from the trial hole, and they meet the requirements of the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses. On foot of the test results, a septic tank and percolation area are proposed.
- 7.12.3. On the basis of the information submitted by the applicant as part of the Site Characterisation Form, I am satisfied that the appeal site is suitable for the installation of a septic tank and percolation area.

## 7.13. Environmental Impact Assessment

- 7.13.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and the proximity to the nearest sensitive locations, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 7.14. Appropriate Assessment

- 7.14.1. The closest European sites are the Ballykenny-Fisherstown Bog SPA (Site Code 004101) and the Lough Forbes Complex SAC (Site Code 001818), both of which are located c. 5km west of the appeal site, while Clooneen Bog SAC (Site Code 002348) is located c. 7km to the west.

7.14.2. Having regard to the nature and scale of the proposed development, the characteristics of the appeal site and the separation distance from any European sites, I consider it 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 any European sites and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## **8.0 Recommendation**

8.1. I recommend that planning permission should be refused for the reason set out below.

## **9.0 Reasons and Considerations**

1. Section 2.1.6.1 of the Longford County Development Plan 2015-2021, which sets out the Settlement Strategy for the County, notes the need for appropriate locations for new development to be chosen to, inter alia, protect the agricultural industry and rural areas. It is considered that the proposed development would constitute random housing development in a rural area in close proximity to existing agricultural premises, including sheds for the housing of cattle, and that the proposed development would be likely to result in a poor quality of residential amenity for future occupants by virtue of odour, noise and traffic associated with the operation of said agricultural premises. Furthermore, the proposed development would fail to protect the agricultural industry in the vicinity by introducing an additional residential unit in close proximity to an existing agricultural premises and would militate against the preservation of the rural environment. The proposed development would therefore, be contrary to the proper planning and sustainable development to the area.

---

Niall Haverty  
Planning Inspector

13<sup>th</sup> September 2018