



An
Bord
Pleanála

Inspector's Report ABP-302388-18

Development	Construction of 2-storey dwelling, domestic garage, waste water treatment system, entrance and all associated site works
Location	Cush of Grange, Grange, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	18324
Applicant(s)	Nicola O'Reilly & Stephen Kelly
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Nicola O'Reilly & Stephen Kelly
Date of Site Inspection	02th October 2018
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.35 hectares, is located in a rural area. The appeal site is part of a field and is located approximately 2.5km to the north of Grange (N25) and approximately 5km to the north west of Ardmore. The site is accessed by a lower category county road that has a junction with the N25 approximately 2km to the south east of the site. The site has road frontage along its northern and western boundaries and there is an existing laneway (serving agricultural lands) along the south western boundary of the site. The site is flat and has existing hedgerow boundaries along its northern, western and south western boundaries. Adjoining lands are similar in nature with the nearest dwelling located to the west (vacant and derelict dwelling) on the opposite of the public road.

2.0 Proposed Development

2.1. Permission is sought for the construction of a two-storey dwelling, new domestic garage, wastewater treatment system, new vehicular entrance and associated site works. The proposed dwelling has a floor area of 159.2sqm and a maximum ridge height of 7.347m. The dwelling features a pitched roof and external finishes of smooth render and a slate roof. It is proposed to open a new vehicular entrance on the northern site boundary and to install a proprietary wastewater treatment system.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on one reason....

The proposed development is located in a Rural Area under Urban Pressure, where it is the policy of the Planning Authority, as set out in the Waterford County Development Plan 2011-2017, to discourage strongly new individual housing proposals except within established villages or village nuclei. The applicant is from the zoned area of Ardmore and it is considered that the applicant's links are to Ardmore and as such the Planning Authority is not satisfied that the applicants have established a local housing need or a link to this rural area. It is therefore considered that the proposed development would materially conflict with the settlement policies

of the Waterford County Development Plan 2011-2017 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (20/06/18): The proposal was considered acceptable in regards to the capacity for the site to absorb a two-storey dwelling. It was noted that the site is within a National Monument Zone of Notification and it is likely archaeological monitoring would be required in the event of a grant of permission. It is noted that the applicant's family home is located just outside Ardmore Village with the applicants' renting a house in the village. It is considered that the applicants' links are to Ardmore and on the basis of the information submitted the applicants do not comply with rural housing policy. Refusal was recommended based on the reason outlined above.

Planning report (22/06/18): Further information required including a rural place map showing exact location of the applicant's family home and an amended site characterisation including results of P tests.

Planning report (25/07/18): On the basis of the information submitted the applicants' links are to Ardmore Village and the applicant would be better served sourcing a dwelling in this locality. Refusal was recommended based on the reason outlined above.

4.0 Planning History

No planning history on the appeal site.

Adjoining lands...

18/27: Permission sought by the current applicants for a dwelling, garage wastewater treatment system and associated site works on a site located to the east of the site. Application was withdrawn.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Waterford County Development Plan 2011-2017. The site is zoned Agriculture with a stated objective 'to provide for the development of agriculture and to protect and improve rural amenity'.

The site is within an 'Area Under Urban Pressure' under rural housing policy.

Section 4.9.1 Area Under Urban Pressure

Areas classified as Under Urban Pressure are located close to the immediate environs or commuting catchment of cities and towns or to major transport corridors with ready access to urban areas. They are characterised by rapidly rising populations or are under considerable pressure for housing development.

The key development plan objectives in this area are, on the one hand, to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban generated development to areas zoned for housing in the adjoining service centres and settlement nodes.

Policy SS3

To cater for the housing requirements of members of the local rural community who have a genuine local housing need in areas under urban pressure as set out in the Criteria in Section 4.10.

Policy SS4

To direct urban generated housing development in Area Under Urban Pressure into the adjoining zoned settlements.

Section 4.10 Genuine Local Housing Need

As stated above, applicants for housing in Areas Under Urban Pressure and in the Stronger Rural Areas will be required to demonstrate a Genuine Local Housing

Need. The applicant must demonstrate, to the satisfaction of the Planning Authority that he/she can comply with one of the following criteria:

- A landowner who owned the property prior to 4th March 2004 wishing to build a permanent home for his/her own use;
- A farm owner or an immediate family member (son, daughter, mother, father, sister, brother, heir) wishing to build a permanent home for their own use on family lands;
- A favoured niece, nephew or heir (maximum of 2 persons per farm owner) of a farm owner with no children wishing to build a permanent home for their own use on family lands;
- Persons working fulltime or part-time on a permanent basis, in a specific rural area who by the nature of the work need to be close to the workplace;
- A son or daughter of an established householder (who has lived in the area for three years or more) wishing to build a permanent home for their own use to live immediately adjacent to their elderly parents to provide care;
- Persons who were born and lived for substantial parts of their lives (three years or more) in a specific rural area, who then moved away and who now wish to return to their home places to reside near other family members, to work locally, to care for elderly family members or to retire; and
- Persons who because of exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation may require to live in a particular rural area or close to family support (or vice versa).

5.2 National Policy

The appeal site is located in an area defined as a Stronger Rural Area.

In these areas population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas.

5.3 Natural Heritage Designations

None in the vicinity

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged by E Project Chartered Architects Limited on behalf of Nicola O'Reilly & Stephen Kelly.

- It is noted that the Local Authority have failed to take account of the applicants circumstances in regards to housing need and links to the area in refusing permission.
- It is noted that the applicant's family home (Nicola O'Reilly) is located 4.8km from the site and meets the definition of 'local area' (10km) as per Section 4.10 of the Development Plan. It is noted that the applicants are renting a dwelling in Ardmore and there is a lack of availability of affordable sites or dwellings in the area. It is noted that the site is taken from lands owned by Nicola O'Reilly's uncle who has no other heirs and she would comply with the criteria under Section 4.10 (favoured niece or nephew).
- It is noted that the applicant (Nicloa O'Reilly) wishes to return to the local area of her birth and childhood to work locally and be near family and friends.
- It is noted that there the applicant (Nicola O'Reilly) has substantiated her claims to qualify under the exceptional medical condition with psychiatrists letters included.
- It is noted that a number of precedent exist where similar submissions in relation to Section 4.10 regarding genuine housing need criteria were accepted with particular regard to the provision for 'favoured nieces or nephews' and the wish to return to work locally, which have not been accepted in this case.

6.2. Planning Authority Response

Response by Waterford County Council

- It is noted that all information was examined and considered in determination of the application. It is considered that the reason for refusal stated is reasonable having regard to the development proposed and the information presented with the appeal submission.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Development Plan/National policy

Appropriate Assessment

7.2. Development Plan/National Policy:

7.2.1 The proposal was refused on one reason which relates to the failure of the applicants' to establish a local housing need or a link to this rural area with it considered that proposed development would materially conflict with the settlement policies of the Waterford County Development Plan 2011-2017 and would be contrary to the proper planning and sustainable development of the area. The appellants' in their submission noted that sufficient information was submitted to demonstrate compliance with the Development Plan policy in regards to genuine housing need.

7.2.2 The appeal site is in an area classified as an Area under Urban Pressure and the requirement is that applicants demonstrate a Genuine Local Housing Need with a number of criteria set down under Section 4.10. Based on the information on file housing need is based on Nicola O'Reilly's circumstances. Nicola O'Reilly is from Ardmore with her family home located at no. 4 The Grove, Ardmore. She and her partner have returned to the area and are renting a dwelling in Ardmore. Her uncle is

the landowner and no sites have previously taken from the landholding. It is noted that the site is 4.8km from Nicola O'Reilly's family home and is well with the definition local area under Section 4.10 (10km). It is noted in the appeal submission that Nicola O'Reilly would meet the criteria under Section 4.10 in relation to favoured nieces and nephews as the landowner does not have heirs and no sites have been taken from the landholding. It is also noted that Nicola O'Reilly has included details of medical circumstances, which are also a criteria under Section 4.10.

7.2.3 Having reviewed the information on file I would note one crucial aspect of the case. The applicant (Nicola O'Reilly) is originally from Ardmore and has a wish to return to live in the area, however the applicant's family home, where she grew up is located at no. 4 The Grove, Ardmore. This is located on zoned and urban lands of Ardmore Village and not in the rural area (Ardmore settlement map attached). Section 4.9.1 of the County Development Plan states that "areas classified as Areas under Urban Pressure are located close to the immediate environs or commuting catchment of cities and towns or to major transport corridors with ready access to urban areas. They are characterised by rapidly rising populations or are under considerable pressure for housing development. The key development plan objectives in this area are, on the one hand, to facilitate the housing requirements of the **local rural community**, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban generated development to areas zoned for housing in the adjoining service centres and settlement nodes". Policy SS3 is "to cater for the housing requirements of members of the **local rural community** who have a genuine local housing need in areas under urban pressure as set out in the Criteria in Section 4.10 and Policy SS4 is "to direct **urban generated housing** development in Area Under Urban Pressure into the adjoining zoned settlements". On this basis the applicant is not part of the local rural community, does not have a rural housing need and constitutes an urban generated housing need. Irrespective of distance of the site from the family home, the applicants' (Nicola O'Reilly) relationship to the landowner or health matters, the applicants do not have rural based housing need and do not comply with Section 4.9.1, Policy SS3 or SS4 of the County Development Plan.

7.2.4 The proposed development is located in an area classified as ‘Under Urban Pressure under the Waterford County Development Plan 2011-2017, for which “the key development plan objectives in this area are, on the one hand, to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban generated development to areas zoned for housing in the adjoining service centres and settlement nodes”. Having regard to the fact that the applicants (Nicola O’Reilly) are from the urban/zoned area of Ardnmore Village it is considered that the applicants do not have a rural generated housing need in accordance with Section 4.9.1 of the County Development Plan. The proposed development would, therefore, contravene materially the development objective, as set out in the Development Plan and be contrary to the proper planning and sustainable development of the area.

7.3 Appropriate Assessment:

7.3.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend refusal based on the following reason.

1. The proposed development is located in an area classified as ‘Under Urban Pressure under the Waterford County Development Plan 2011-2017, for which “the key development plan objectives in this area are, on the one hand, to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban generated development to areas zoned for housing in the adjoining service centres and settlement nodes”. Having regard to the fact that the applicants (Nicola O’Reilly) are from the urban/zoned area of Ardnmore Village it is considered that the applicants do not have a rural generated housing need in accordance with Section 4.9.1 of the County Development Plan. The proposed development would, therefore,

contravene materially the development objective, as set out in the Development Plan and be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector

23rd October 2018