



An
Bord
Pleanála

Inspector's Report ABP-303012-18

Development

Construction of a new agricultural shed with associated holding tanks, yards and aprons. New dwelling house, domestic garage, install ETU with percolation area, form new entrance and all associated site works.

Location

Ballintrane, Fenagh, Co. Carlow.

Planning Authority

Carlow County Council.

Planning Authority Reg. Ref.

18/349.

Applicant

Derek & Anne Marie Kennedy.

Type of Application

Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party.

Appellant

Derek & Anne Marie Kennedy.

Observers

Pat Deering TD.

Date of Site Inspection

8th February 2019.

Inspector

Dáire McDevitt.

1.0 Site Location and Description

- 1.1 The appeal site is located on the eastern side of the N80 (Tullow Road) in the rural townland of Ballintrane, c.6.5km south of Carlow town in Co. Carlow. It is c.387m south of The Fighting Cocks Crossroad and c.164m north of the Huntsmans Crossroads. The site at present is agricultural land with an agricultural gate off the N80. Opposite the site signage is erected indicating that the land will be used for the National Ploughing Championships in 2019.
- 1.2 The site, with a stated area of c.1.94 hectares, is taken from a larger field that is bounded by agricultural lands stated to be in the applicant's ownership. The application site is bounded to the northwest by a single storey house, screened from it by mature vegetation. The existing roadside boundary consists of matures trees and hedgerows with a ditch running parallel to the road. The southern section of the field from which the site is taken has vegetation that is indicative of poor drainage conditions.
- 1.3 The levels of the site are relatively flat. It is proposed to site the house at a setback of c.115m from the roadside boundary with the N80 with the area to the front of the house proposed as a paddock. The site is screened from the N80 by mature vegetation with intermittent views into the site.

2.0 Proposed Development

Permission is sought for an agricultural shed with a gfa of c.203sq.m. A two storey dwelling with a gfa of c.246sq.m and a detached c.26sq.m garage on a site with an overall area of c.1.94 hectares.

It also proposed to provide an ETU with percolation area system and use an existing entrance off the N80.

The application documentation includes a Site Characterisation Form.

Reference has been made to the applicant's compliance with the Councils Rural Housing. No documentation submitted to support this with the planning application.

3.0 Planning Authority Decision

3.1 Decision

Refuse permission for the following reason:

The proposed development includes a proposal for a direct access on the N80 National Secondary Road where speed limits greater than 60kph apply. The proposed development would therefore be contrary to the Ministerial Guidance as contained in the Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 (stated policy 2.5) where it states “the policy of the Planning Authority will be to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60kph apply”. The proposed development would also be contrary to the stated policies 5.2.2 and 11.19.2 of the current Carlow County Development Plan 2015-2021, would establish an undesirable precedent and would adversely affect the operation and safety of the National Road Network. To permit the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 Planning Reports (22nd October 2018)

The planners report formed the basis of the Planning Authority’s decision. The main issues of concern related to the means of access to the site. A recommendation to refuse permission issued on the grounds that the proposal would be contrary to national policy relating to accesses onto National Roads.

Other points of note include:

- No supporting documentation submitted to substantiate residency in the area as required under Section 2.7.1.6 (persons working full or part time in rural areas) of the County Development Plan. This would be required notwithstanding the applicant’s involvement in farming on the land.

- No documentation has been submitted to show compliance with Section 2.7.1.7, Social/Community, Medical and Personal Circumstances. The Area Planner noted the documentation submitted pertaining to the first named applicant's personal circumstances.
- The proposed two storey house, set back into the site, is considered a contemporary build with suburban features and not in keeping with the established house types and designs in the area.
- Details of livestock and current farm buildings used would need to be submitted if the application was pursued further.
- Access proposals would require revised road marking on a National Secondary Road which is beyond the applicants' control and requires consent from the TII.
- Sightlines of c.215m could be achieved by setting back the existing site boundary and hedgerow and a section of the existing verge, all within the applicant's control.

Appendix One Screening Report

Section D. Assessment of Likely Significant Effects refers to a 'stage 1 screening exercise'. There are no details on file of this stage 1 screening exercise.

Section E. Screening Conclusion

The closest water course is c. 63.12m north of the site. This watercourse is hydrologically connected to the Burren River, which in turn is connected to the River Barrow and River Nore SAC, located c. 7.3km west of the site. Taking into consideration the distance of the site from the watercourse, the nature and extent of the proposed development it is determined that an appropriate assessment would be required.

3.2.2 Other Technical Reports

- 3.2.2.1 Transportation Department** (10th October 2018). Further Information recommended relating to; 1) details and extent of lands in the ownership of the applicant, 2) Details of proposed road markings.

Transportation Department (22nd October 2018). Following a review of the file.

- The applicant has no alternative access to a public road other than the N80.
- In relation to potential road markings. It was noted that proposals would require TII consent as it would involve extensive alterations to the road markings on a National route. Furthermore, the TII submission of the 18th October 2018 was noted and the recommendations contained within this submission.

The Transportation Department recommended that permission be refused due to the alterations required to the National Road Network at this location.

3.2.2.2 Environmental Section (19th September 2018). Further Information recommended relating to 1) clarification regarding means of drinking water supply, 2) percolation pipes/areas.

3.2.2.3 Environment & Water Services (1st October 2018). Further Information recommended relating to: 1) number of animals that would be held in the proposed agricultural structure and 2) details of location where the effluent from the slatted tanks and straw manure would be finally spread.

3.2.2.4 Muinebheag Municipal District (10th October 2018). Recommend permission be refused. The County Development Plan, Section 5.2.2 states no entrance to be allowed onto National Roads within the County. Furthermore, the file should be referred to the TII for observations. The drawings show the existing road markings to be altered. This would not be allowed by Carlow County Council or the TII. A map should be requested that shows the entire landholding in Carlow.

3.2.2.5 Chief Fire Officer (20th September 2018). No objection subject to compliance with fire requirements.

3.3 Prescribed Bodies

3.3.1 Irish Water (25th September 2018). No objection. The area is not served by public water main or sewer.

3.3.2 Transport Infrastructure Ireland (TII) (8th January 2018). The proposal is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidance for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):

Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidance for Planning Authorities (2012). The proposal, if approved, would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads.

3.4 Third Party Observations

None.

4.0 Planning History

Planning Authority Reference No. PL15/30 refers to a 2015 application by the application for a house on a site to the west of the landholding, accessed off the N80. Application was withdrawn. This application included a FRA and AA Screening Report.

5.0 Policy & Context

5.1 Carlow County Development Plan 2015-2021

The site is in a 'Rural Area under Urban Influence'.

Chapter 2. Development Strategy

Section 2.7.1.1 Rural Housing Policy

Section 2.7.1.3 refers to One-Off Housing in the Countryside

The Council recognises the need to maintain vibrant rural communities and respond effectively to the rural generated housing needs of the people of Carlow. It shall be the policy of Carlow County Council to facilitate the development of one off rural housing throughout the county by persons demonstrating local rural generated housing needs. In this regard positive presumption will be given to the building of rural dwellings by persons in certain categories.

Of particular note in this instance are:

- a) The dwelling will be for the persons own occupation and is required having regard to housing need and the applicants wish to live in the local area.
- b) Good practice has been demonstrated in relation to site location and access, drainage and design.
- e) The development of one-off rural housing will be subject to appropriate assessment in accordance with Article 6 of the Habitats Directive.

2.7.1.4 refers to persons who are an intrinsic part of the rural community

Such persons will normally have spent a substantial part of their lives living as members of an established local rural community and/or can demonstrate strong family ties with the local community. Examples include:

- A farm owner or immediate family member wishing to build a permanent home for their own use on family lands.

Documentary proof will be required to be submitted with applications to show compliance with the above policies.

Three years shall be deemed to be the minimum period of residency necessary in order to be considered a member of the local community. The term local shall be construed for assessment purposes as within a radius of circa 8 km.

2.7.1.6 refers to persons working full time or part time in rural areas.

- A person whose principal occupation is in agriculture and who owns and farms lands in the immediate vicinity of the site.
- Persons who are fulltime farmers or employed fulltime in other rural based activity such as horticulture, forestry, bloodstock, farming, agri-tourism or other rural based activity in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build

Documentary proof will be required to be submitted with applications to show compliance with the above policies.

Minimum employment period of 3 years shall be deemed necessary and the term local shall be construed for assessment purposes as within a radius of circa 8km.

2.7.1.7 refer to social/community, Medical and Personal Circumstances.

- Any persons wishing to live adjacent to immediate family members (son, daughter, mother, father, sister, brother) to provide care and support or vice versa

Documentary proof will be required to be submitted with applications to show compliance with the above policies.

Section 2.7.3 refers to the design siting requirements. This includes the degree of development of the landholding, detrimental impacts on the rural character of the area, the need to integrate buildings with the physical surrounds, protection of features that contribute to the attractiveness and distinctiveness of the area, traffic and installation of on site waste water treatment and disposal systems.

Chapter 5. Transportation and Movement.

Section 5.2.2 refers to the National Road network and the need to safeguard the capacity of the network by restricting access points to the network.

Regarding Lands adjoining National Roads to which speed limits greater than 60kph apply. It will be the policy to avoid the creating of additional access point from new development or the generation of increased access to national roads for all development types.

Chapter 11 Design & Development Standards

Section 11.7 refers to Rural Residential development.

Of particular relevance is section 11.7.1, this refers to the assimilation of the development into the landscape.

Section 11.10 refers to Agricultural Development.

Buildings should be sited as unobtrusively as possible and that the finishes and colours used will blend the development into its surroundings. The Planning Authority will require that agriculture developments will be constructed and located so as to ensure that there is no 296 threat of pollution to ground or surface waters. In assessing planning applications for agriculture developments the Council will have regard to the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006.

Section 11.19.1 refers to vehicular entrances and required sightlines.

Section 11.19.2 refers to National and Regional Roads. Development control shall seek to channel traffic from new development onto existing local roads and in this way use established access points to gain entry onto national roads and shall have regard to the Policy Document, *Spatial Planning and National Roads, Guidelines for Planning Authorities*, (January 2012) published by the DoECLG.

5.2 Guidelines

Sustainable Rural Housing Guidelines (2005):

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures.

To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.

National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government (2018)

National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e commute catchment of cities and large towns and centres of employment. This will be subject to siting and design considerations.

In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

Spatial Planning and National Roads Guidance for Planning Authorities (2012), Department of Environment, Community and Local Government.

Section 2.5 sets out the required Development Plan policy on access to National roads.

Section 2.5 of the Guidelines states that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to

which speed limits greater than 60kph apply. The proposal, if approved, would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads.

Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009

Sets out guidance on the design, operation and maintenance of on site wastewater treatment systems for single houses.

5.3 Natural Heritage Designations

The nearest designated site are:

- Slaney River Valley SAC (site code 000781) c. 7.2km east of the site.
- River Barrow and River Nore SAC (site code 002162) c. 7.5km west of the site.

5.4 Environmental Impact Assessment Screening

Having regard to the nature and scale the development which consists of single house and agricultural shed with associated tanks, yards and aprons in a rural location, 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.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 The first party appeal seeks to address the reason for refusal and can be summarised as follows:

- The proposal would not result in an intensification of traffic movements onto the national road as the applicant already uses an entrance off the N80 to access sheds at his parent's farmyard. The applicant has stated

that he is unable to drive on the public road for medical reasons and therefore need a house at this location as he is a fulltime farmer and owner a c. 62 hectare landholding with no other means of access. It would remove the need for the applicant to be driven from his rented accommodation at Rathrush, Rathoe (c.6km from the site) to his place of work (farm).

- The application would not set a precedent as it does not involve the opening of a new entrance, rather it involves the upgrading of an existing agricultural access. The applicants have set out that they have extenuating circumstances and mitigating reasons to build at this location and do not seek to alter national and local policies.
- Alternative routes have been examined and adjoining landowners approached to explore alternative locations. A 2015 planning application for a house on an alternative site was withdrawn as it was on a flood plain.
- The proposal to upgrade an existing entrance would improve the current access to the landholding. Consulting engineers have designed access proposals and traffic safety measures that include a new right hand turning lane is proposed on the N80. The existing road is wide enough to be re-marked and provide this turning lane.
- The applicant has stated that he could proceed under Exempted Development Schedule 2 Class 3 Exempted Rural Class 8/9 (Planning and Development Regulations 2001 as amended).
- The proposed development conforms with many policies of the Carlow County Development Plan pertaining to the support of rural enterprise, local need and disabled persons.
- The Planners report refers to issues with the design of the house. And while the applicant notes that the design is in keeping with other houses in the area, they have no objection to altering the design if required.

6.1.2 Applicant's letter:

The applicant has submitted a letter outlining his personal circumstances which result in his inability to drive. Therefore, he requires a house on his landholding as he is engaged full time in sheep farming. At present the applicants reside in rented accommodation c.6km from the site and the first named applicant is dependent on lifts to and from the farm and that not living on the farm is restricting his ability to efficiency and independently manage his farm.

He argues that his inability to drive restricts his ability to earn a living in an occupation freely entered upon. Reference to Article 23 of the Universal Declaration of Human Rights, the Vienna Convention and an EU Directive adopted in 2000 which outlaws direct and indirect discrimination in the field of employment on a number of grounds, including disability. Reference to the Disability Act 2005.

The sole reason for refusal was based on national policy which restricts access onto National Roads. The Transportation Infrastructure Ireland (TII) recommendation that the proposed development be refused permission, as it would be at variance with national policy, does not take into account the extenuating personal circumstances of the applicant. Furthermore, it is argued that the applicant proposes to use an existing entrance off the N80, albeit an agricultural one. Furthermore, exemptions referred to in the National Guidelines where there is no other suitable alternative non-national public road/private laneway access available apply in this instance.

6.1.3 Documentation included with the appeal:

- Planning Authority decision and Planners report.
- Letter from applicant outlining his personal circumstances.
- Map showing location of shed currently being farmed, proposed site and land locked nature of the landholding.
- Letters of support.
- Details of the first named applicant's medical condition and history.

- Photographs of houses accessed off National road.

6.2 Planning Authority Response

The documents have been reviewed and the applicant's rural housing need and personal circumstances were duly noted.

The Planning Authority concluded that In terms of the rural housing policies contained within the Carlow County Development Plan 2015-202, the applicant had satisfactorily submitted relevant information to substantiate their rural housing need to reside in Ballintrane, Fenagh, Co. Carlow.

The application was also reviewed and assessed based on Section 11.19.2 National and Regional Roads, whereby 'It will be the Council's policy to prohibit development requiring access onto the national Primary or National Secondary routes where the maximum speed limit applies'.

It is Council policy under Section 5.2.2 and 11.19.2 of the Carlow CDP to avoid the generation of increased traffic from existing accesses to national roads and to prohibit development requiring access to the national routes where the maximum speed limit applies. The proposed development, if permitted, would result in the intensification of an existing direct access to a national road (N80) at a location where the maximum speed limit of 100kph applies, and would adversely affect the operation and safety of the national road. This would be contrary to official policy set out in the DoECLG 'Spatial Planning and National Roads-Guidelines for Planning Authorities' January 2012, would be contrary to Section 5.2.2 and 11.19.2 of the Carlow CDP, would set an undesirable precedent for further such development, and would therefore be contrary to the proper planning and sustainable development of the area.

6.3 Observations

Pat Deering TD, Carlow-Kilkenny Constituency has submitted an observation outlining his support for the applicant's appeal outlining the applicants' involvement with the land and the reasons he need to be able to build a house at this location. Requests that the matter is given serious consideration by Board.

7.0 Assessment

The grounds of appeal seek to address the Planning Authority's reasons for refusal which refer to noncompliance with national and local policy relating to accesses off National roads.

The grounds of appeal also raised compliance with the Council's rural housing policy and design which shall also be addressed in this assessment. These are not considered new issues. The issue of appropriate assessment also needs to be addressed.

The issues can be dealt with under the following headings:

- Rural Housing policy
- Traffic Safety.
- Design and Siting
- Appropriate Assessment.

7.1 Rural Housing Policy

7.1.1 The Sustainable Rural Housing Guidelines require planning authorities in addressing demand for rural housing to distinguish between rural generated housing need and urban generated housing need. Rural generated housing needs should, generally, arise from demonstrable connections to the site, to rural based occupations and/or relationship with the landowners.

7.1.2 It shall be the policy of Carlow County Council to facilitate the development of one off rural housing throughout the county by persons demonstrating local rural generated housing needs. The site is located in an area designated as rural under urban influence and is the subject of development pressure due to its proximity to nearby towns and Carlow town, in particular.

7.1.3 The first named applicant has set out that he grew up adjoining the site, where the family home and farm are located. The applicant has stated that a c. 62 hectare landholding was transferred to him in 2012 which he farms on a full time basis. And that at present he uses agricultural sheds on his parents landholding. I note that following a review of the appeal documentation the

Planning Authority's concerns raised at planning application stage relating to compliance with the Council's rural housing policy were addressed.

7.1.4 The first named applicant's links to the area and personal circumstances have been outlined in the grounds of appeal but no supporting documentation has been submitted regarding links to the area. Supporting documentation included correspondence from Teagasc, an Accountant and a Solicitor outlining the applicant's involvement in agriculture and ownership of the land. A folio map has been submitted but no Folio details. The County Development Plan clearly sets out that documentary proof will be required to be submitted with applications to show compliance with the relevant rural housing policies. Based on the information on file it would appear that the applicant is involved in farming the land where the application site is. I note that no documentation has been submitted to support his links to the immediate area. However, on balance and notwithstanding the lack of documentation submitted I do not consider that this issue warrants a reason for refusal.

7.2 Traffic Safety

7.2.1 The Planning Authorities reason for refusal was on the premise that the development would not comply with national and local policies relating to accesses off National Roads. The applicant is of the view that his personal circumstances present extenuating reasons for requiring a domestic entrance at this location as the landholding has no alternative road frontage. As a full time farmer he needs 24-hour access to the farm, which he currently does not have as he resides in rented accommodation c.6km from the site and is unable to drive due to personal circumstances.

7.2.2 Section 5.2.2 of the current County Development Plan states that it is Council policy to safe guard the capacity of the network by restricting access points to the network access onto a National Secondary roads to which speed limits greater than 60kph apply. The need to avoid the creation of additional access point from new development or the generation of increased access to national roads for all development types. Section 11.19.2 refers to need to channel traffic from new development onto existing local roads and in this way use established access points to gain entry onto national roads and shall have

regard to the Policy Document, *Spatial Planning and National Roads, Guidelines for Planning Authorities*, (January 2012) published by the DoECLG. There is no new access onto the N80 proposed as part of this application. I am of the opinion that the fundamental issue in this case, is whether or not the proposed new dwelling and agricultural structure would lead to an intensification of use of an existing field access.

7.2.3 In the appeal documentation it has been argued that as the applicant currently uses an existing entrance off the N80 c.1.2km from the site to access his parent's farmyard. The current proposal would not result in an intensification of traffic movement along the N80 rather it would see a transfer of the existing movement from one entrance to another along the N80. In my opinion, the use of the existing access point, which serves an agricultural field, to one serving a domestic house and an agricultural structure results in intensification due to normal daily activities arising from day to day occupation, patterns of activity, services, visitors etc associated with the proposed development. I consider, on the basis of the facts presented, that there would be a significant intensification of use of the existing entrance should the subject proposal be granted permission which would interfere with the safety and free flow of traffic on the adjoining N80 at a point where the maximum speed limit of 100kph applies.

7.2.4 Notwithstanding the applicant's personal circumstances, the proposal to use an existing agricultural gate to access a dwelling and agricultural structure accessed directly off a National Road would result in an intensification of traffic movements at the existing entrance. I note that the TII recommended refusal on the grounds of intensification of an existing entrance to a national road which would be contrary to official policy.

7.2.5 While I acknowledge the applicant's submission in relation to the non-availability of alternative access off a minor road. To permit such an access under the circumstances presented in this application would set an undesirable precedent. Such an approach would lead to a proliferation of entrances onto national roads in direct contravention of the overall objective of the Plan which is to strictly control such development and protect the free flow of traffic and the efficiency and operational capacity of the national road.

7.2.6 I consider, therefore, that the permission should be refused on the grounds of traffic safety.

7.3 Design and Siting

7.3.1 It is proposed to set back the two storey house c.115m from the N80. Having regard to the rural character of the area and the pattern of development in the immediate vicinity. In conjunction with the siting the proposed house, set back c.115m from the road, at a point on the site which would result in intermittent views of the development from the adjoining road network and surrounding area. Combined with the scale and height of the dwelling. In my view, the proposed development could not be effectively assimilated into the landscape and would, therefore, form an incongruous and obtrusive feature in this rural area. I do not consider that the proposed dwelling would be compatible with the protection of the rural landscape and its character and would, therefore, be contrary to Section 11.7.1 of the County Development Plan.

7.3.2 In terms of site assessment and the suitability of the proposed effluent treatment system, the proposal should comply with the EPA Code of Practice for Single Houses. I note that the Environment & Water Services Section raised a number of issues that should be addressed in the event that the Board consider granting permission.

7.4 Appropriate Assessment

7.4.1 A ditch runs along the roadside boundary. A watercourse is c.100m north of the northern site boundary. This watercourse links to the Burren River which in

turn links into the River Barrow and River Nore SAC (site code 002162) c.7.5km to the west of the site.

7.4.2 The River Barrow and River Nore SAC is an extensive site which is spread across eight counties (Carlow, Kildare, Kilkenny, Laois, Offaly, Tipperary, Waterford and Wexford). Conservation Objectives have been prepared for the site.

7.4.3 Given the separation distance to the nearest identified watercourse to the north of the applicant's site, there is, in effect, no significant hydrological connection to the designated site referred to in paragraph 7.4.1 above.

7.4.4 The Planning Authority determined that an Appropriate Assessment was required. It is unclear if this refers to a stage 1 or stage 2 assessment, please refer to section 3.2.1 of this report for more details.

7.4.5 Having regard to the nature and scale of the development and its location relative to European sites, I consider 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 European Site No. 002162, or any other European site, in view of the site's Conservation Objectives. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

I recommend that permission be refused for the reasons and consideration set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed development, which would result in the intensification of use of an access onto the National Secondary Road N80 at a point where a speed limit of 100 km/h applies, would endanger public safety by reason of traffic hazard and the additional and conflicting traffic movements

generated by the development would interfere with the safety and free flow of traffic on the public road

2. Having regard to the:

(a) the nature of the site which is open to intermittent views from the adjoining N80 National Secondary Road.

(b) the scale and height of the proposed dwelling and

(c) the siting of the house

it is considered that the proposed development could not be effectively assimilated into the landscape and would, therefore, form an incongruous and obtrusive feature in this rural area. The proposed development would, therefore, contravene the policy set out in the current Carlow County Development Plan and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dáire McDevitt
Planning Inspector

15th January 2019