



An
Bord
Pleanála

Inspector's Report ABP-303161-18

Development	Dwelling House
Location	Farrandeelion, Ballina, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	18219
Applicant(s)	Paddy Sweeney.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Paddy Sweeney.
Observer(s)	None
Date of Site Inspection	11/03/19.
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Farrandeelion in County Mayo, c. 3 km south west of Ballina town. The site is directly accessed via a local cul de sac road which serves three other houses and is c. 2.7km west of the N26.
- 1.2. The dwellings located within the immediate vicinity of the appeal site consist of two single storey bungalows and a large two storey house. The lands within the appeal site are currently under grass and rise steeply in a northern direction from the public road. The site forms part of a larger field and is bounded to the south and west by a mature treeline and hedgerow. The appeal site is open to the north and eastern boundaries and can be clearly seen from the adjoining local road to the east.
- 1.3. The predominant land use of the surrounding area is agriculture with a limited number of one-off dwellings interspersed within the landscape. The topography is smoothly contoured with gently sloping valleys where bog/moor type grasses are the predominant vegetation.

2.0 Proposed Development

- 2.1. Planning permission is being sought for the development of a dwelling house, domestic garage and wastewater treatment system.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. The proposed development is located in close proximity to an area considered for a future national roads scheme and may prejudice plans for the design of this scheme. The development would be premature pending the determination of the road layout.
2. The development is located in a visually prominent site. The proposed two storey dwelling would constitute an obtrusive feature in the landscape.

3. The applicant owns a dwelling on the landholding and therefore does not have a genuine local housing need in the rural area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested in relation to:

- Details of roadside drainage
- Proof of local need and engagement in agriculture
- Reduction of dwelling height to a maximum of 5.5 metres.

3.2.2. Other Technical Reports

- Ballina Municipal District – site conflicts with new road study area.
- Mayo Road Design Office – the development will not compromise the preferred route corridor, no objections.
- Executive Architect – further information required regarding design and height.
- Area Engineer – No objections were raised subject to conditions

3.3. Prescribed Bodies

- TII – The application is premature pending the determination of the route of a national road scheme.

3.4. Third Party Observations

- None

4.0 Planning History

There is no history in relation to the appeal site.

Adjacent site to south east

P17/463 An application was **withdrawn** by the applicant for the development of a dwelling, garage and waste water treatment system.

5.0 Policy and Context

5.1. Development Plan

5.2. The Mayo County Development Plan 2014-2020 states within the Core Strategy & Settlement Strategy that the Castlebar-Ballina Linked hub each have separate stand-alone statutory development plans. It is of note that these plans have not been reviewed or updated since the expiry in 2015.

5.3. I note that Section 11C(a) of the Planning and Development Act 2000, as amended, states with respect to the dissolution of town councils that the development plan for the administrative area of such a town council shall continue to have effect to the extent provided for by that plan and be read together with the development plan for the administrative area within which the dissolved administrative area is situated.

5.4. Having regard to the abovementioned provisions of the CDP and the Planning and Development Act, I have therefore had regard to both the CDP and the Ballina and Environs Development Plan 2009-2015 in my assessment.

Mayo County Development Plan 2014-2020

The appeal site is located within an area identified as being under strong urban influence.

- RH-01 – Ensure compliance with Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG)
- RH-02 – Design Guidelines
- Section 2.3.1 - Rural Areas Under Strong Urban Influence
- Section 16.3 – Access Visibility Requirements

Ballina & Environs Development Plan 2009-2015

The site is located in an area zoned as Agriculture

- Section 2.9 Urban Fringe

- 2.9.2 Policies and Objectives
- 3.6.1 Rural Development
- Objective UF 1 – Rural housing

Landscape Appraisal of County Mayo

Landscape Protection Policy Areas - Drumlins and Inland lowlands

Mayo Rural Housing Design Guidelines 2008

The rural house design guide aims to encourage the use of traditional forms, scale and materials that have a proven history of blending into the landscape.

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

- The subject site is located within an area designated as being 'Rural Areas under Strong Urban Influence' within these Guidelines.
- Section 3.3.3 deals with 'Siting and Design'.

National Planning Framework – Project Ireland 2040

Policy Objective 19: 'Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.

Draft Regional Spatial and Economic Strategy (November 2018)

In relation to rural areas the draft RSES states ‘the NPF confirms that there needs to be a distinction made between areas under urban influence and elsewhere and it defines areas under urban influence as being effectively those areas within the 15% commuter catchment of Cities, Regional Growth Centres and the Key Towns. It confirms that the capacity to provide for single rural housing should be retained for those that have a demonstrable economic or social need to live in the area, subject to all other proper planning and sustainable development considerations. The management of these pressures is a matter for individual local authorities through the development plan process, having regard to the provisions of Ministerial Guidelines (Rf. Sustainable Rural Housing Guidelines for Planning Authorities 2005) and other material considerations , including environmental considerations, the pressure for housing, availability and adequacy of support infrastructure, suitability of soils to treat and dispose of wastewater to appropriate standard, visual and physical impact and the need to provide for house design and orientation that meet current and future energy efficiency demands’.

- Ballina is identified as a key town and it is a policy ‘to deliver significant compact growth in Key Towns’.

5.5. Natural Heritage Designations

None

5.6. EIA Screening

- 5.7. There is no real likelihood of significant effects on the environment based on the nature, size and location of the proposed development. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal as submitted by the applicant can be summarised as follows:

- The proposed road will not be affected by the proposed dwelling.

- The visual impact of the dwelling will be negated by the development of the road.
- The proposed ridge height is 2 metres higher than the adjacent dwelling.
- There are two storey dwellings within the vicinity of the site.
- The site is located on the applicant's farm which he needs to reside beside.
- The applicant's parents live in the family home, this dwelling is not available to him.
- The applicant took ownership of the farm within which the family home is located.

7.0 **Assessment**

7.1. The site is located in a Rural Area Under Strong Urban Pressure and an area subject to the A zoning objective within the Ballina and Environs Development Plan 2009-2015, whereby the development of one-off dwellings is restricted and will not normally be permitted unless they meet the criteria under the Planning Authority's essential housing need category. The main issues in this appeal are those which are raised within the grounds of appeal in addition to Appropriate Assessment requirements. I am satisfied that no other substantial issues arise. The main planning issues are as follows:

- Rural Housing Policy
- Conflict with route of future Ballina Bypass
- Design and Height of dwelling
- Appropriate Assessment

Rural Housing Policy

7.2. As mentioned above the appeal site is located in an area subject to the A zoning objective under the Ballina and Environs Development Plan 2009-2015 which seeks to restrict the development of single houses unless they meet the criteria under the Planning Authority's essential housing need category. It is important to note at this juncture that the Council's rural housing policy in terms of housing need categories are set out within the Mayo County Development Plan 2014-2020 in which the applicant is required to satisfy the planning authority that their proposal constitutes a

genuine rural generated housing need based on their own roots in or links to a particular rural area, and in this regard, they must demonstrate that they comply with one of the following categories of housing need:

- 2.3.1.1 Persons who are an intrinsic part of the local rural community due to their having spent substantial periods of their lives, living in the rural area in which they propose to build a home. This category refers to:
 - a. Farmers, their sons and daughters, a favourite niece/nephew² and/or any persons taking over ownership and running of a farm, who wish to build on the family farm holding (a farm holding shall consist of at least 4ha).
 - b. Sons and daughters of non-farming persons who have spent a substantial period of their lives (i.e. at least 5 years) living in the rural area on which they propose to build and wish to build a home near their family place of residence (i.e. within 5km in any direction of family residence).
- 2.3.1.2 Persons working full-time or part-time in the rural area in which they propose to build their first house. This category of housing need refers to:
 - a. Persons involved in full-time farming, forestry, inland waterway or marine related occupations.
 - b. Part time occupations where the predominant occupation is farming/natural resource related.

7.3. The applicant, Paddy Sweeney, is the owner of the lands and is also the owner of an existing dwelling within an existing farm complex to the north of the appeal site. It is contended by the applicant that this farm complex is where he grew up and whilst he is the registered owner of these lands, dwelling and farm buildings, the existing dwelling is not his and is the property of his parents. He further contends that this dwelling could not be separated from the landholding for the purpose of registration and the applicant and his family are not residing within it. It is stated within the grounds of appeal that the applicant and his family are currently residing in accommodation above an existing outbuilding within the family farm complex. The applicant claims that the house within the family farm complex, whilst in his ownership, is not available to him and his family.

7.4. Having regard to the foregoing I note Section 2.3.1.1 of the Mayo County Development Plan and Section 2.9.2 of the Ballina and Environs Development Plan

2009-2015 in which it states that new housing within agricultural zoned areas will be restricted to those with a housing need. Based on the information submitted and having regard to the fact that the applicant already has a dwelling within his ownership, I do not consider the applicant to have a housing need. I further note that the proposed dwelling is proposed at a location far removed from the existing farm complex. I acknowledge that the applicant has cited unfavourable grounds conditions as a reason for the selection of this site, however I note that no information has been submitted to substantiate this claim.

- 7.5. In the interest of clarity and fairness, I have also assessed the proposed development against the requirements of Section 2.3.1.2 of the Mayo County Development Plan 2014-2020, under which, persons involved in a full time or part time capacity where farming/natural resources is the predominant occupation can be determined as having a housing need.
- 7.6. The applicant has submitted a herd number and a letter from an agricultural consultant in which it is stated that he is in receipt of a basic payment, ANC and GLAS payments on the lands. This is the only documentary evidence submitted by the applicant to prove that he is involved in agriculture. Based on the limited level of information submitted, the applicant has failed to adequately demonstrate his level of involvement in farming and what proportion of his income is derived from this activity. In failing to do so I am unable to determine compliance with Section 2.3.1.2 of the Mayo County Development Plan and as such I consider that the proposed development would be contrary to this Section of the plan also.
- 7.7. Further to the above assessment it is of note that the overriding policy of the Ballina and Environs Development Plan is to consolidate development within Ballina as per policy P-01, I consider that the proposed development if permitted would by itself and by the precedent it would set, in strategic terms, undermine this policy objective. The proposed development would be contrary to the provision of the development plan in respect of its settlement strategy and would accordingly be contrary to the proper planning and sustainable development of the area.

Conflict with route of future Ballina Bypass

- 7.8. It is stated within the reasons for refusal that the appeal site is located in an area considered for a future national road scheme, the proposed development could

therefore prejudice the design of this scheme and as such would be premature pending the determination of the preferred road layout. The applicant contends within the grounds of appeal that he liaised with Mayo County Council in this regard and positioned his proposed dwelling in a location that would not compromise the layout of the proposed route.

- 7.9. I note a submission to the planning application by TII in which concerns are raised in relation to the potential for the proposed dwelling to compromise the road layout. I acknowledge the plans accompanying the appeal in which a route layout is shown and the separation distance from this route to the proposed dwelling, however it is clearly stated within the submission made by TII to the planning application that the route final has not been determined and any plans are therefore subject to change.
- 7.10. Having regard to the information submitted and the concerns raised by TII within their submission to the Council, I consider that the proposed development would be premature pending the determination of the final layout of the Ballina bypass and would therefore be contrary to the proper planning and sustainable development of the area.

Design and Height of dwelling

- 7.11. I note within the reasons for refusal that the Council have concerns relating to the elevated nature of the site and the visual dominance of the proposed dwelling within it. The applicant contends that there is an existing two storey dwelling to the west of the site which can be seen from the public road and it is stated that the proposed dwelling will not have any further impact upon the visual aspect of the lands at this location.
- 7.12. The Mayo Rural Housing Design Guidelines require new developments within the rural area to be positioned amongst hills and ridges, it requires that a house becomes part of the landscape and should sit neatly into the existing contours and not located at the highest point. The guidelines further state that the siting of a house should not diminish the visual attractiveness offered by the varied and unique landscape of Mayo. The dwelling as proposed in such an elevated position within the site does not have regard to the requirements of these guidelines.
- 7.13. I noted, at the time of site inspection, the elevated nature of the site and the position of the proposed dwelling to the north of the appeal site close to the highest point of

the site. I also note revised plans submitted by the applicant which depict a dwelling of c. 6.2 metres in height and whilst I acknowledge that this is a significant reduction in height to that originally proposed I have serious concerns regarding the prominent position of the proposed development and I consider the positioning of the development close to the most elevated level of the site to be unacceptable.

- 7.14. The development of a dwelling at this location would be visually obtrusive within the landscape and would have a serious negative impact upon the visual amenities of the surrounding landscape. The development would therefore be contrary to the provisions of the Mayo County Development Plan 2014-2020 in this regard and as such would be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment

- 7.15. Having regard to the minor nature of the development, and the separation distance to any 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 that the application is refused for the following reason.

9.0 Reasons and Considerations

1. The proposed development is located in close proximity to an area considered for a future national road scheme. Section 2.9 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, 2012, requires that zoning and new development must not compromise the route selection process, this requirement is reasonable. The proposed development by virtue of its location proximate to the study area of this route could prejudice the plans for design of this scheme. The application is therefore premature pending the determination of this route. The proposed development would be contrary to the provisions of the DoECLG Spatial Planning and National Roads Guidelines for

Planning Authorities, 2012 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within an "Area Under Strong Urban Influence" as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the Ballina and Environs Development Plan 2009-2015 and the Mayo County Development Plan 2014-2020, it is considered that the applicant has not adequately satisfied the housing need criteria as set out in the Guidelines or the Development Plans for a house at this location. The proposed development, in the absence of any identified locally based need for the house and, given its location within the centre of an agricultural landholding, would contribute to the encroachment of random rural development in the area, would form a discordant and obtrusive feature on the landscape and would militate against the preservation of the rural environment, and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the elevated and exposed nature of the site, the height of the proposed dwelling and the location of the dwelling in an elevated position within the site, it is considered that the proposed development would form an unduly prominent and obtrusive feature which would interfere with the character of the landscape. The proposed development would have a serious negative impact upon the visual amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

Sarah Lynch
Planning Inspector

13th March 2019

