



An  
Bord  
Pleanála

## Inspector's Report ABP-303671-19

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<b>Development</b>	Construction of a split-level house with detached garage, access road, provision of an on-site effluent treatment system
<b>Location</b>	Carrownacreevy, Dromard East, Beltra, Co. Sligo
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	18451
<b>Applicant(s)</b>	Padraig and Claire Calpin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Padraig and Claire Calpin.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	29 <sup>th</sup> April 2019.
<b>Inspector</b>	Sarah Lynch



## 1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area under urban influence, to the west of Ballysadare Bay. The site is located c. 350 metres from the coast line adjacent to an area identified as a visually vulnerable Sensitive Rural Landscape within the Sligo County Development Plan 2017-2023. The site is currently open pasture with direct views over Ballysadare Bay and Knocknarea mountain.
- 1.2. The lands rise and fall towards Ballysadare Bay, there is an existing dwelling at the end of the lane to the north east of the site which is surrounded by mature trees. The dwelling is proposed to be sited within a dipped area of the lands to the south of the existing treeline and is clearly visible from the access lane.
- 1.3. The site is accessed from the existing single lane access route from which a number of dwellings egress. This lane is connected to the N59 to the south.

## 2.0 Proposed Development

- 2.1. The proposed development comprises:
  - Construction split level house.
  - Detached garage.
  - Access.
  - On site waste water treatment system.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reasons:

1. It had not been demonstrated to the satisfaction of the Local Authority that the proposed development would satisfy a rural generated housing need.
2. The appeal site is located in a visually vulnerable area 350 metres from the Ballysadare Bay shoreline it is the policy of the Council to protect such landscapes the proposal would therefore be contrary to policy P-LCAP-1 and P-LCAP-2 of the Sligo County Development 2017-2023.

3. It is the policy of the Council to restrict development in the coastal zone between coastal roads and the sea with the exception of developments specified in policy P-DCZ-1. The development would conflict with the provisions of the Development Plan.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The planners report was consistent with the decision of the planning authority.

### **3.2.2. Other Technical Reports**

- Area Engineer – no objections subject to removal/setting back of 30m of roadside boundary.
- Environmental Scientist – requested further information on the design of the onsite waste water treatment system.

## **3.3. Prescribed Bodies**

None

## **3.4. Third Party Observations**

Four third party observations were submitted and can be summarised as follows:

- Visual impact on coastal landscape
- Undesirable precedent for future development on lane.
- Impact on recorded monument.
- Impact on sustainability of group water scheme source.
- No need for a house at the site.
- Waste water treatment system has potential to pollute.
- Previous refusal for development on the site.

## 4.0 Planning History

PL00-1034 – Permission was refused for a bungalow, reasons for refusal relate to housing need, visually vulnerable area, traffic hazard, proposed septic tank could give rise to pollution of drinking water.

## 5.0 Policy and Context

### 5.1. Development Plan

#### **Sligo County Development Plan 2017- 2023**

The operative development plan is the Sligo County Development Plan 2017- 2023.

- Section 3.3.1 – Types of Rural Areas.
- Section 5.3 - Housing in rural areas
- Policy RAUI-HOU-1 – Rural Areas under Urban Influence.
- Policy P-GBSA-HOU-1 relates to housing policy in green belts and sensitive area (Scenic Routes, Sensitive Rural Landscapes, Visually Vulnerable Areas
- Policy P-RHOU-1 –principles in the siting and design of new houses.
- Policy P-RHOU-2 - Require new house proposal in rural areas to comply with the guidance set out in Section 13.4 Residential development in rural areas (development management standards).
- Appendix E contains the list of designated scenic routes in the county.
- Section 10.4.1 Coastal zone - Sustainable development in the coastal zone would see new development occur mainly within or in the immediate vicinity of existing towns and villages.
- Policy PDCZ – Restricts development in the coastal zone

#### **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’.

## 5.2. Natural Heritage Designations

The Ballysadare Bay SAC and SPA are located less than 400 metres north east of the appeal site.

## 5.3. EIA Screening

Notwithstanding the proximity of the proposed development to the Ballysadare Bay SAC & SPA, the nature and scale of the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 5.4. Grounds of Appeal

The grounds of appeal have been submitted by Declan McCabe of McCabe Architects and can be summarised as follows:

- Whilst the Pdraig Calpin is employed in medical research, his primary source of income is from the family business which is a farm machinery contract business called Caplin Agricultural Contractors.
- Mr. Calpin and his wife work on his wife's godfather's farm to help out.
- The planner was discriminatory in the assessment due to Mr. Caplin's qualifications.
- Supporting documents are a testament to the work the applicant gives to the local area.
- Site is private from public road, views from other side of bay are virtually impossible.
- Visual impact submitted, given design and materials to be used and the distance from any vantage point there would be no significant effect on composition, character or quality of the view.
- Development does not detract from views or impact on the environment.

- Applicants were advised by the Council in relation to the siting of the proposed dwelling.
- Applicants feel that they have complied with the policies of the County Development Plan.
- Letters of support were submitted.

### 5.5. **Planning Authority Response**

- No comment.

## 6.0 **Assessment**

6.1. The appeal site is located in a rural area under urban influence, 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 County Development Plan policy in relation to development in coastal areas.
- Appropriate assessment.

### **Rural housing policy**

6.2. It is contended by the applicants that they are involved in agriculture on a full-time basis and notwithstanding Mr. Calpin's employment in the area of Medical Research, it is contended that his main income is derived from the running of his father's agricultural contracting business and farming. It is further stated that both applicants also help run a relative's farm and it is on this basis that the applicants believe that they comply with the rural housing policy of Sligo County Council. I note from the application form that the applicants are purchasing the appeal site from a third party.

6.3. Policy P RAUI-HOU-1 (B) of the Sligo County Development Plan 2017-2023 seeks to accommodate proposals for one off rural houses in Rural Areas Under Urban Influence



for persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base.

- 6.4. Whilst it is acknowledged that Mr. Calpin's family currently run an agricultural contracting business, and I note the letters of support submitted, the applicant has not provided any specific information in relation to his role within the company. In addition, no details of the location of the family business and its proximity to the appeal site have been submitted.
- 6.5. It is of note that the nature of an agricultural contracting business requires employees to travel from farm to farm to carry out their duties, the transient nature of this business does not require an employee to reside within a specific rural area as the employment occurs at various locations.
- 6.6. I further note that the applicants have stated that they are involved in farming, yet no details of the locations of these farms relative to the appeal site have been submitted. 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 policy P- RAUI-HOU-1 (B) of the Sligo County Development Plan and as such I consider that the proposed development would be contrary to the provision of this plan.
- 6.7. In addition to the foregoing the National Planning Framework requires that the development of rural housing in such areas must only be permitted where a demonstrable economic or social need to live in a rural area has been provided. I consider that based on the information submitted the applicant has failed to provide sufficient evidence to justify such a need. The proposed development would therefore be contrary to the provision of the NPF in this regard and as such would be contrary to the proper planning and sustainable development of the area.

**Conflict with County Development Plan policy in relation to development in coastal areas.**

- 6.8. The appeal site is located directly adjacent to a visually vulnerable Sensitive Rural Landscape as identified within the Landscape Characterisation Map of the Sligo County Development Plan 2017-2023 and has an extremely low capacity to absorb

new development. It is the policy of the Council to preserve and protect such fragile landscapes from inappropriate development.

- 6.9. I also note from the Sligo Development Plan that the proposed development is located between the coast and a road that is identified as a scenic route whereby it is the policy of the Council to restrict development as per P-DCZ-1, with the exception of sustainable tourism development, public infrastructure works, and development that is contiguous with the existing towns and villages.
- 6.10. The proposed development would be located in an area where the landscape is open in character and provides uninterrupted views over the Ballyasdare Bay across to Knocknarea. The openness of the landscape renders the lands particularly sensitive to the insertion of development and whilst I acknowledge that the proposed dwelling has been design and sited in such a manner so as to mitigate any visual impact on the landscape. I do not consider the development of a dwelling in such a scenic and sensitive landscape to be appropriate in this instance.
- 6.11. Further to the foregoing the development of a dwelling in an area identified as a coastal zone is prohibited by policy P-DCZ-1 and as such the proposed development would be contrary to the provisions of this policy.

### **Appropriate Assessment**

- 6.12. As mentioned above the site is located c. 350 metres from the Ballyasdare Bay SAC and SPA. There are no hydrological pathways from the appeal site to the Natura 2000 site. It is proposed to service the site in terms of waste water via an onsite waste water treatment system. Thus, having regard to the minor nature of the development, and the separation distance to the 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.

### **Conclusion**

- 6.13. Overall, I consider that the proposed development would give rise to an urban generated dwelling within a rural area. The applicants have failed to demonstrate an adequate economic or social need for a dwelling at the appeal site and as such the proposed development would be contrary to both the provisions of the Sligo County Development Plan 2017-2023 and the National Planning Framework.

6.14. The proposal would also be contrary to policy P-DCZ-1 of the Sligo County Development Plan in relation to development with identified coastal zones and, notwithstanding the quality of the proposed design, would result in a visually obtrusive structure within a sensitive and fragile landscape.

## **7.0 Recommendation**

7.1. I recommend that the application is refused for the following reason.

## **8.0 Reasons and Considerations**

1. The site of the proposed development is located within an Area Under Strong Urban Influence as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to 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. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy, and to the provisions of the current Sligo County Development Plan 2017-2023, and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located in a coastal zone as identified within the Sligo County Development Plan 2017-2023 where it is the objective of the Council under policy P-DCZ-1 to restrict development except where it can be demonstrated that it does not detract from views, visually intrude on the coastal landscape or impact on environmentally sensitive areas. This is reasonable. The proposed development would introduce a form of development which

would physically and visually intrude of the existing open uninterrupted view of the Ballyasdare Bay and would have a serious negative impact on the visual amenities of the area. The proposal would therefore be contrary to the provisions of the Sligo County Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

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Sarah Lynch

Planning Inspector

17<sup>th</sup> May 2019