



An
Bord
Pleanála

Inspector's Report

ABP-303697-19

Development	Construction of 2-storey detached dwelling house, detached domestic garage, waste water treatment system together with all associated site works.
Location	Carstown Td, Termonfeckin, Co.Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	18/591
Applicant	Antoinette Butterly.
Type of Application	Planning Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant	Heather Cox.
Observer(s)	None.
Date of Site Inspection	28 th day of May, 2019.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site which has a stated 0.5ha area is located in the rural townland of 'Carstown', c3.2km to the south west of the village centre of Termonfeekin and c4.5km to the north east of Drogheda's town centre, in south County Louth.
- 1.2. The site and the surrounding landscape is characterised by its gently rolling drumlin character. The immediate site area at the time of my inspection consisted of grazing land and the area surrounding it is predominated by various agricultural activities. There are however several one-off houses in the vicinity of the site and the site is bound on its northern side by a bungalow from where the residents also operate a commercial dog and cat boarding kennel (Note: Belview Kennels). To the south of the site and within the larger field that the site forms part of there is an electrical substation.
- 1.3. The roadside boundary of the site consists of mature indigenous trees and hedgerow species and part of the northern boundary is demarcated by the solid boundaries associated with the adjoining residential property. In addition to this, the remaining northern boundary consists of a mature indigenous hedgerow with trees that also stretches along the western boundary of the site. The southern boundary is not demarcated.
- 1.4. Despite the rolling nature of this area the topography of the site is relatively flat.
- 1.5. The local road network provides connection to the R166 c1.4km to the south east of the site and the south-easternmost corner of the site is located approximately 100m to the north west of a T-junction with a local road that appears to be known as the Newtownstalaban Road. The local road running alongside the eastern boundary of the site is unmarked.

2.0 Proposed Development

- 2.1. By way of this application planning permission is sought for the construction of a 2-storey dwelling house with a stated 301.98m² gross floor area; a detached garage with a stated 50m² gross floor area; a waste water treatment system; a new entrance onto an adjoining local road and associated boundary treatments together with all associated site works and services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to **grant** permission for the proposed development subject to 8 no. conditions including but not limited to:

Condition No. 2 Occupancy Clause.

Condition No. 4 Infrastructure Requirements.

Condition No. 5 Waste Water Requirements.

Condition No. 6 Landscaping.

Condition No. 8 Section 48 Contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **initial Planning Officers Report** concluded with a request for further information. The substantive issues raised related to demonstration of satisfying the Settlement Strategy; the design of the roof over the proposed dwelling house was considered to be not in keeping with the Rural Housing Design Criteria; Waste Water Treatment; and, revised Public Notices were sought.

The **final Planning Officers Report** considered that the items set out in the further information request had been addressed to their satisfaction and I consider that no other substantive planning issues are raised. This report is the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

- **Environmental Compliance Section:** Final Report – No objection.
- **Infrastructure:** No objection.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection.

3.4. Third Party Observations

- 3.4.1. The appellant made a submission to the initial application and made a further response on foot of the applicant's further information response. I consider that the substantive issues raised correlate with those raised by them in their grounds of appeal submission to the Board.

4.0 Planning History

4.1. Appeal Site

P.A. Reg. Ref. No. 08/789: Permission was granted, subject to conditions, for the construction of a 2-storey dwelling house, waste water treatment system together with all associated site works.

5.0 Policy Context

5.1. National Policy Provisions

- National Planning Framework, 2018.
- Sustainable Rural Housing Guidelines, 2005.
- Planning System & Flood Risk Assessment Guidelines, 2009.

5.2. Development Plan

- 5.2.1. The appeal site lies in a rural area, zoned 'Zone 4' in the Louth County Development Plan, 2015 to 2021, where it is a stated objective of the Council to protect and provide for the development of agriculture and sustainable rural communities alongside facilitating certain resource based and locational specific developments of significant regional or national importance. In relation to Zone 4 the Development Plan indicates that the Council will seek "to provide for a greenbelt area around the urban centres" including Drogheda.

- 5.2.2. Section 3.10.4 of the Development Plan indicates that *“it is an objective of the Council to preserve a clear distinction between the built up areas of settlements and the surrounding countryside”*.
- 5.2.3. Policy RD37 is relevant. It states: *“to permit limited one-off housing*, agricultural developments, extensions to existing authorised uses and farms, appropriate farm diversification projects, tourism related projects (excluding holiday homes, institutional and educational facilities, leisure and recreation related projects and renewable energy schemes”*. (Note: * refers to Section 2.19.1 of the Development Plan which sets out the Qualifying Criteria).
- 5.2.4. Section 2.19.1 sets out the Local Needs Qualifying Criteria and it indicates that *“applicants for one-off rural housing will be required to demonstrate compliance with criteria relevant to the specific Development Zone in which the dwelling is to be located.”* Policy SS 19 further reiterates this requirement.
- 5.2.5. Table 2.9 of the Development Plan sets out dwellings gross floor area and minimum site size. For Zone 4 the maximum cumulative gross floor area is stated to be 220m² and the minimum site size in Hectares is 0.2ha. Dwellings above the stated maximum gross floor area have to demonstrate compliance with Policy SS 52 which indicates that the Council will require the site area be correspondingly increased by a ratio of 20m² for each 1m² of additional floor area of the dwelling.
- 5.2.6. Section 2.2 of the Development Plan sets out the criteria for rural housing design and siting criteria.
- 5.2.7. Other Relevant Development Plan provisions include:
- Policy SS 59: Relates to safe site access.
 - Policy SS60: Relates to minimising impact on existing roadside boundaries.
 - Policy SS 61: Relates to Garages/Outbuildings.
 - Policy SS 63: Road Access.
 - Policy SS64: Roadside Boundary.
 - Policy SS65: Waste Water/Surface Water Drainage.

5.3. Natural Heritage Designations

- The appeal site is located c3km to the north west of the Special Protection Area: Boyne Estuary (Site Code: 004080).
- The appeal site is located c4.3km to the west of Special Conservation Area: Boyne Coast and Estuary (Site Code: 001957).
- The appeal site is located c3.2km to the north of the Special Area of Conservation: River Boyne and River Blackwater SAC (Site Code: 002299).

5.4. EIA Screening

- 5.4.1. The proposed development comprises a 'project' for the purposes of environmental impact assessment and falls within a class of development set out in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- 5.4.2. Having regard to the development sought under this application which essential consists of one detached residential unit, a detached ancillary garage, waste water treatment system and the provision new access onto the local road network, I consider that the modest nature and scale of such a development will give rise to a very limited environmental impact and the site itself is significantly removed from any sensitive sites.
- 5.4.3. Based on the above factors, I consider that 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 grounds of appeal can be summarised as follows:
- No objection is raised to the principal of the proposed development subject to demonstrating compliance with relevant planning requirements.

- Part of the reason for making this appeal is to ensure that the applicant is fully cognisant of the noises and potential disturbances that arise from the operation of her commercial dog kennel and grooming business that adjoins the site.
- The appellant contends that they have operated this business at this location for 30-years and planning permission was granted under P.A. Reg. Ref. No. 89840 for it.
- This business operates from a number of ancillary structures to the rear of the appellants dwelling house including a converted stable, sheds, outbuildings, a fenced off paddock and outdoor dog pen. It is contended that it has the capacity to accommodate upwards of 35no. various sized dogs which are either kennelled or are awaiting collection with delivery/collection times ranging from 10am-12pm and 4pm-7pm each day. It is noted that the hours are extended to 8pm during summer months. In addition, the grooming business also generates a volume of traffic.
- Concern is raised in relation to the proximity of the dwelling house to the subject business.
- Concern is raised in relation to the adequacy of the sound barrier between the appellants property and the site.
- It is contended that existing neighbours in the area are accustomed to the noise whereas a new neighbour may not be as tolerant and in turn this could threaten the appellants business.
- The applicant's response to the Planning Authority's further information request only established in relation to demonstration of a rural housing need that they do not own or has owned previous properties in the county whereas they didn't establish a justification to live rurally.
- The Planning Authority failed to robustly assess whether the applicant demonstrated compliance with qualifying criteria for such a development.
- The applicant's occupation does not require her to reside in the rural area.
- The Board should satisfy themselves on whether or not the applicant's occupation as a school teacher provides a genuine need to live rurally.

- Reference is made to appeal case ABP-300462-17.
- The proposed development is considered to be contrary to Policy SS19 of the Development Plan.
- The requirements set out in Condition No. 6 of the Planning Authority's notification to grant permission are inadequate and are not enough to ameliorate the appellants concerns.
- The requirement to trim hedges or trees on a neighbour's property is requirement that can not be made effective. Therefore, reference is made to the Departments Development Management Guidelines for Planning Authorities, 2007.
- The appellant seeks that Condition No. 6 be amended so that it is a requirement to provide a row of coniferous trees or other species of a similar growth rate and foliage density 4m from the northern boundary of the site and that these are allowed to grow to 4.5m in height. It is further sought that the dwelling house be moved south within the site itself or on the adjoining land to the south of the site.

6.2. Applicants Response

6.2.1. The applicant's response can be summarised as follows:

- This application is for a one-off rural dwelling and meets all the requirements and conditions set out in the Development Plan.
- Having been born and grown up in a rural/agricultural environment they are accustomed to the typical noises and sounds generated by daily agricultural activities.
- The applicant's family home is located 650m from the site, so the applicant is aware of the appellants business and its associated noises.
- The site is chosen as it is located at the end of a field and would have minimal impact on the rest of the landholding.
- The chosen site is less trafficked than the Togher to Drogheda Road that also bounds the landholding.

- The appellant seeks to discredit her entitlement to build a dwelling in this area and suggests that they move to Termonfeckin or Drogheda which are both further away from where they work.
- The appeal case referred to by the appellant is circumstantially different.
- The appellant is aware of the requirement to comply with any conditions attached to a grant of permission.
- The appellant is willing to accept a change to Condition No. 6.
- All the hedgerows and trees for which sightlines are required are within the landholding and therefore no 3rd party permission is required.
- The separation distance between the dwelling and the appellants property to the north boundary is above the regulatory requirement.
- The proposed development would not give rise to any adverse impact by way of overlooking and/or overshadowing.
- The location of the dwelling house on site was determined by the waste water treatment provision.

6.3. Planning Authority Response

6.3.1. The Planning Authority response can be summarised as follows:

- The sites location alongside an existing kennel complex is acknowledged but this does not preclude the grant of planning permission for development in its vicinity.
- The Environment Section did not raise any issue with the proposed development.
- This application pre-dates the Councils Qualifying Criteria Form for One-Off Rural Housing. This form was issued Q4 of 2018; however, did not change the way this application was assessed.
- The applicant applied for a dwelling under Qualifying Criteria 2.
- The applicant's family home is located within 'Zone 4' under the current Development Plan.

- The Planning Authority is satisfied that it was correct in applying the condition regarding the provision of an indigenous hedgerow along the northern boundary and it is considered that a coniferous hedgerow would not only detrimental to the visual amenity of the area but would be of little or no ecological value.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. Having regard to the nature of the proposed development sought under this application, relevant planning policy provisions and the issues raised on file, I consider the key planning issues relating to the assessment of this appeal case can be considered under the following broad headings:

- Principle of Development
- Residential Amenity
- Traffic Safety
- Other Issues Arising

7.1.2. The matter of 'Appropriate Assessment' also needs to be assessed.

7.2. **Principle of Development**

7.2.1. I firstly note that the appeal site is located in an area defined as being under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authority's, 2005, and under the National Planning Framework, 2018. This is due to a number of locational factors including but not limited to its proximity to a number of large urban areas, strong urban structure present and proximity to the M1 corridor.

7.2.2. In relation to one-off housing in the countryside the Development Plan recognises that this demand is both from within and beyond the county itself. In relation to such areas Chapter 2 of the Development Plan indicates that in keeping with national policy provisions that the Council will seek to facilitate the careful management of rural one-off housing in County Louth and such applications shall be required to demonstrate compliance with the Local Needs Qualifying Criteria outlined in Section 2.19.1 of the said Plan. In addition to this Policy SS 19 also seeks this compliance.

- 7.2.3. Section 2.19.1 of the Development Plan states the following *“in order to protect the rural areas of the County from excessive urban generated housing, the Council considers it necessary to retain the local needs provision as recommended in the document Sustainable Rural Housing Guidelines, 2005 DECLG. Local needs provisions apply across the entire rural area of the County. Applicants for one-off rural housing will be required to demonstrate compliance with criteria relevant to the specific Development Zone in which the dwelling is to be located”*. This section of the Development Plan also sets out the Local Needs Qualifying Criteria for the various Development Zones within the County.
- 7.2.4. The appeal site is located on rural lands zoned ‘Development Zone 4’. The objective for such lands is *“to provide for a greenbelt area around the urban centres of Dundalk, Drogheda and Ardee”*.
- 7.2.5. According to the submitted documentation with this application the applicant by way of this application seeks planning permission for a one-off rural house and they put forward their case that they qualify for such under Criteria 2 of Section 2.19.1 of the Development Plan.
- 7.2.6. Criteria 2 sets out that in such applications the following criteria must be demonstrated *“that the applicant(s) have lived for a minimum period of 10 years in the local rural area (including cross-border), they have a rural housing need, they do not already own a house or have not owned a house within the rural area of the county for a minimum of 5 years”*.
- 7.2.7. The applicant has submitted various documentation that seeks to support their residency in the local rural area for 10 years. This includes the following documentation:
- A letter signed by personnel in the Parish Office which is purported to be on behalf of Father Stephen Duffy. This letter indicates that the applicant is a native of the area with a family home in Townrath, Termonfeckin and that she was baptised as well as was confirmed in the Termonfeckin Parish;
 - A letter from the Principal of Scoil Náisiúnta Múire gan Smál indicating that the applicant attended this school from September, 1992, to June, 2000.

- A letter from local Councillor Oliver Tully which indicates that the applicant has lived all of their life within the required 6km radius of the site; that the site is within 1km of their home; and that they work in a primary school in Carstown, Termonfeckin.
- A letter from Brannigan & Matthews Solicitors, indicating that the applicant does not own a dwelling in the area of Carstown, Termonfeckin.

7.2.8. In relation to the first component of Criteria 2, i.e. that the applicant(s) have lived for a minimum period of 10 years in the local rural area I raise a concern that whilst the information provided above does indicate that the applicant is likely to have strong connections to this rural area, it does not in my view, robustly substantiate that the applicant has resided for that minimum period in this particular rural area. There is no documentation that confirms and ties her to residing for a minimum of 10 years in this local area. Considering that the appeal site is zoned greenbelt land and land that is under strong urban influence where such developments are only allowed in limited circumstances I am not satisfied that the documentation submitted satisfactorily demonstrates the first component of Criteria 2 to a level that is without question.

7.2.9. In relation to the second component of Criteria 2, i.e. that they have a rural housing need, again I consider that the documentation on file does not substantiate that the applicant has a genuine rural housing ‘need’ as opposed to a ‘desire’ for a one-off house that they can build at this location. Indeed, the documentation on file appears to more so support a ‘desire’ in that it is reiterated that she “wishes” to set up home close to family and friends in the Termonfeckin area. Considering that the appeal site is zoned greenbelt land and land that is under strong urban influence where such developments are only allowed in limited circumstances I am not satisfied that the documentation submitted demonstrates the second component of Criteria 2.

7.2.10. In relation to the third component of Criteria 2, i.e. they do not already own a house or have not owned a house within the rural area of the county for a minimum of 5 years, again I raise concerns. To satisfy this component of the criteria the applicant has provided a letter from Solicitors which states the following “*we are instructed that the said Antoinette Butterly does not own a dwelling in the area of Carstown, Termonfeckin or surrounding areas*”. This letter is simply provided with a signature stating Branigan & Matthews. It does not come in the form of a legal affidavit nor is it signed by a solicitor or indeed witnessed by a commissioner of oaths.

- 7.2.11. Since this application was submitted for assessment to the Planning Authority, the Planning Authority, have prepared a document titled '*Qualified Criteria Form for One Off Rural Housing*' for such applications. This document sets out that housing need can be established "*where the applicant does not currently own a house and has not owned a house within the rural area of the county for a minimum of five years prior to making an application*". Despite this clarification on what housing need means in the context of such developments I still question the documentation submitted with this application is sufficient or satisfactory to substantiate the third component of Criteria 2.
- 7.2.12. I further note to the Board that Section 2.18 of the Development Plan states that "*whilst the Council acknowledges the role of rural housing in sustaining rural communities, it also recognises that uncontrolled and excessive one-off urban generated housing in the countryside is not sustainable in the long-term and accepts that measures need to be put in place to regulate this form of development. A concern arises that if one-off rural housing is permitted at the current levels, then irreparable damage will be done to the environment and the legitimate aspirations of those brought up in the countryside to continue to live within their own communities will be compromised*".
- 7.2.13. Despite the applicant demonstrating links and connections to the area in which their one-off dwelling house is proposed Section 2.19.1 requires that they must satisfactorily demonstrate compliance with the relevant Local Needs Qualifying Criteria for the area in which the dwelling is to be located. In this case the relevant area is Development Zone 4 and said Local Needs Qualifying Criteria No. 2. As also stated above this requirement for such applications is given more weight by Policy SS 19. Based on the above considerations I am not satisfied that the information submitted with this application demonstrates this unequivocally.
- 7.2.14. Furthermore, according to Section 3.10.4, which I note deals with the matter of greenbelt areas around urban centres in the administrative area of Louth County "*it is an objective of the Council to preserve a clear distinction between the built-up areas of settlements and the surrounding countryside. In this regard, greenbelt areas are proposed surrounding the main urban settlements of Dundalk, Drogheda, and Ardee*". The appeal site is located c4.5km from the heart of Drogheda's town centre and is substantially closer to its settlement fringes.

- 7.2.15. Indeed, I observed that the surrounding rural landscape contains a significantly high number of such developments to the extent that its rural charm has been adversely diminished and in places its residential development appears to predominate over agriculture uses as observed from the public domain of the local road network.
- 7.2.16. This I consider is another issue and arguably is a matter that requires consideration under Section 2.19.7 of the Development Plan. This section of said plan sets out that the cumulative visual impact and pattern of existing houses and permissions granted in the vicinity of the site requires consideration in assessing this type of planning application. This consideration should in my view be given more weight and serious consideration having regard to the green belt zoning of the site's landscape setting and the fact that these subject lands are under strong urban influence as well as have been visually diminished by way of the cumulative impact of this type of development.
- 7.2.17. In order to further safeguard Development Zone 4 greenbelt land the Development Plan includes Policy RD 37 which indicates that the Council will permit limited one-off housing and this will be subject to demonstrating compliance with Section 2.19.1 of the said plan. I also note that Section 3.10.7 and Table 3.2 of the Development Plan indicates that the Development Zone objectives are strategic objectives.
- 7.2.18. In conclusion, I have substantive concerns about the applicant's need for a rural dwelling house on lands at this location based on the information provided and I consider that a refusal of permission would be consistent with protecting greenbelt land at this location alongside protecting the agricultural resources as well as attributes of this much diluted and diminished rural character area.
- 7.2.19. To permit the proposed development would, in my view, be contrary to the land use zoning objective of these lands and would be contrary to Policy SS 19 and Policy RD 37 of the Development Plan.
- 7.2.20. Moreover, having regard to other local and national planning policy provisions which seek to regulate rural housing alongside consolidate development within serviced urban/suburban land I consider that the proposed development would be contrary to the public good and the proper planning as well as sustainable development of the area.

7.3. Residential Amenity

- 7.3.1. The appellant who operates a dog kennel and grooming commercial operation from outbuildings and spaces to the side and rear of her dwelling house which adjoins the northern boundary of the site has raised several concerns relating to the direct impact of her business on the residential amenities of future occupants of the proposed dwelling house.
- 7.3.2. The Planning Authority remains of the view that the proposal is acceptable in this regard and I consider that the proposed development does not give rise to any other substantiate residential amenity concern to either the appellant or the future occupants of the proposed dwelling were it to be permitted subject to appropriate safeguards.
- 7.3.3. While I share the view of the Planning Authority that the appellants operations on the adjoining land should not preclude site suitable and site appropriate developments on adjoining land I did find the noise from the appellants commercial operation to be uncomfortably loud; of a high intermittent pitch; and, unrelenting during the time I was carrying out my site inspection. Moreover, I observed that the noise from these operations travelled considerable distance in all directions from the appellants property.
- 7.3.4. It would appear that the appellants commercial operations are long standing and would appear to benefit from a grant of permission. I am also cognisant that it is not the jurisdiction of the Board to consider whether or not there is any compliance or enforcement issues relating to the same.
- 7.3.5. Should the Board be minded to grant permission for the development sought under this application I consider it appropriate that they give consideration to an appropriate boundary treatment along the northern boundary of the site in order to improve the residential amenities for future occupants.

7.4. Traffic Safety/Impact on Trees

- 7.4.1. The applicant proposes a new entrance to the appeal site from the adjoining public local road. This will be formed between existing mature trees with removal of an existing hedgerow where necessary in order to provide the 75m sightlines and a new entrance described as being setback 5.5m from the edge of the public road with wing walls splayed at 45° degree alongside the provision of a new drainage channel across

the width of the proposed new roadside entrance. The latter would discharge directly to the ditch on either side.

- 7.4.2. The submitted documentation also indicates the hedge on the roadside of the ditch shall be removed or lowered and that the hedge on the field side of the ditch to be trimmed in order to give visibility in both directions of 75m. This includes a section of hedgerow to the south of the site which appears to be in the applicant's family landholding but lies outside of the redline area of the site.
- 7.4.3. In relation to the documentation submitted I raise a concern that it does not include any written documentation to substantiate that an easement would be put in place to ensure that should any change in landownership occur in future that the required visibility splays can be maintained along its entire 75m length to the south of the proposed entrance.
- 7.4.4. I consider such an assurance appropriate having regard to the nature of this road, the posted speed limit of this road of 80kmph, the high level of traffic I observed during my time on site both agriculturally related and general vehicles together with the proposed new entrance location c100m to the north of a T-junction which I further observed was heavily trafficked at the time of my site inspection.
- 7.4.5. Based on the above, while I consider that the volume of traffic a development of this type would generate would be low and that it would not add significant additional pressures or burdens on the adjoining local road itself; notwithstanding, arguably there is a cumulative level of impact of such developments within this area. This cumulative impact in my view is evident by the high levels of traffic in the vicinity of the site. This in in turn impacts adversely on the local road networks capacity as well as efficiency of operation. Moreover, I consider that the documentation submitted in relation to the new entrance; roadside boundary treatment; and, the ability to maintain the required visibility splays going forward lacks sufficient clarity. Further, it does not clarify what impact these works will have on existing infrastructure, i.e. light standards, esb substation and the like, if any.
- 7.4.6. Should the Board be minded to grant permission for the development sought under this application I consider that it first seek clarity on the above matters of concern.

7.5. Other Matters Arising

7.5.1. Design, Layout and Siting:

Should the Board be minded to grant permission for the development sought under this application I recommend that they assess the design, layout and siting of the proposed one-off house against the 'Building Sensitively & Sustainability in County Louth' and Chapter 4 of the Development Plan.

On this matter from an examination of the proposed development I question that the design, layout and siting approach put forward in this application is consistent with the guidance advocated for such developments in the countryside and I do not consider it would be a development that, if permitted, would positively contribute to the visual amenities of its rural landscape setting nor would it positively reinforce or harmonise with local vernacular architecture whether that be in a contemporary or traditional design approach manner.

I further note to the Board that Policy SS 15 of the Development Plan states that the Council shall "*ensure that the design and arrangement of dwellings are complementary and reflect the existing character of the settlement. In this regard applicants will be required to demonstrate that the proposal is consistent with the document Building Sensitively and Sustainably in County Louth and paragraph 4.7 - Rural House Design and Siting Criteria*".

I therefore question the proposed developments compliance with this policy; however, this I consider is a new issue in the context of this appeal case.

7.6. Appropriate Assessment

7.6.1. This appeal site is an unserviced site for waste water but does benefit from a connection to public mains water. It is located c3km to the north west of the Special Protection Area: Boyne Estuary (Site Code: 004080); c4.3km to the west of Special Conservation Area: Boyne Coast and Estuary (Site Code: 001957); and c3.2km to the north of the Special Area of Conservation: River Boyne and River Blackwater SAC (Site Code: 002299).

7.6.2. A potential pathway could be via groundwater; however, in this case the application is accompanied by a detailed appraisal of the drainage capacity and the proposals to

dispose of wastewater to the satisfaction of the technical divisions of the Planning Authority on foot of a request of further information.

7.6.3. In addition, no issues have arisen in relation to waste water treatment in the course of this applications appraisal nor have Irish Water raised any capacity or pressure issues at this location for mains water supply.

7.6.4. I am satisfied standard best practice construction methods would control any potential source of pollution risk and having regard to nature and scale of the proposed development, its location at considerable distance from 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. Having regard to the matters discussed above, I recommend that permission for the proposed development be **refused** for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development is located in an area designated as being under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, and the site is located on lands zoned Development Zone 4 in the Louth County Development Plan, 2015 to 2021, where the objective is to “*provide for a greenbelt area around the urban centres of Dundalk, Drogheda and Ardee*”. Development for one-off rural houses is limited in such areas and is also subject to demonstrating compliance with the said Development Plan rural settlement strategy. On the basis of the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicant has demonstrated compliance with the said plans rural settlement strategy as set out under Section 2.19.1; Policy SS 19 and Policy RD 37. Furthermore, the Board was not satisfied based on the plans and particulars submitted with the application that the proposed

development would not adversely impact on the roadside hedge and the mature trees contained therein nor that the sightlines to the south of the entrance could be maintained in the long-term. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young,

Planning Inspector

10th day of June, 2019.