



An
Bord
Pleanála

Inspector's Report ABP 303707-19.

Development	Construction of dwelling, garage, on-site effluent treatment system, vehicular entrance and associated site works
Location	Kereight (E.D. Ballyhoge), Ballyhoge, Co. Wexford.
Planning Authority	Wexford Co. Council
Planning Authority Reg. Ref.	20181592
Applicants	Stephen Treacy & Catriona Nangle
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Stephen Treacy & Catriona Nangle
Observers	None
Date of Site Inspection	9/5/19
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Kereight, Ballyhoge, c.15km north-west of Wexford and c.10km to the south of Enniscorthy. It is sited on the southern side of a local road off the R730. The village of Ballyhoge is situated 2km to the east.
- 1.2. There are a number of existing dwellings located adjacent the site including the two single storey properties to the west. To the north of the site on the opposite side of the local road there are three dormer dwellings.
- 1.3. The site with a stated area of c.0.486 hectares comprises the west section of larger field. The site level gently falls towards the south. The northern roadside boundary is formed by mature hedgerow. The western site boundary shared with the existing residential property is formed by a post and wire fence.
- 1.4. The southern boundary features hedgerow and mature deciduous trees. The eastern site boundary is undefined. Lands to the east of the site comprise agricultural lands with mature vegetation forming the boundaries.

2.0 Proposed Development

- 2.1. The proposed development comprises a dormer two-bedroom dwelling with a floor area of 149.8 sq. metres on a site is 0.486ha. The overall height of house is 7.7 metres. A 79sq m garage is proposed with a ridge height of 5.4m. It is proposed to locate a well to the north-western corner of the site and on-site waste water treatment system to the south of the dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for two reasons;

1. Based on the information submitted, the planning authority do not consider that the applicants meet the criteria for this 'Stronger Rural Area' in accordance with the policy set out in Table No. 12 of the Wexford County Development Plan 2013-2019 which defines the 'Local Rural Area' as

including the countryside, Strong Villages, Smaller Villages and Rural settlements but expressly excludes District towns, Larger Towns and The Hub. The applicant Catriona is from Enniscorthy Town which is considered a Larger Town. The proposed development would therefore contravene the objectives of the development plan and would be contrary to the proper planning and development of the area.

2. The proposed development, by virtue of the detailed design and external finishes together with the open nature of the site would result in an incongruous form of development which would appear visually prominent on the site and would not blend into the landscape, thereby harming the visual amenities and rural character of the area. As such, the proposed development would be contrary to Section 8.12.2 and Objective L04 of the Wexford County Development Plan 2013-2019 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was not considered that the applicants comply with the Rural Housing Policy for this Stronger Rural Area as set out in Table 12 of the Development Plan. The house design and proposed external finishes were not considered appropriate to the site. It was concluded that the proposal would be visually incongruous within the landscape.

3.2.2. Other Technical Reports

Environment Section – Grant of permission recommended.

3.3. Third Party Observations

- 3.3.1. The Planning Authority did not receive any submissions/observations in relation to the application.

4.0 Planning History

- None

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative Development Plan is the Wexford County Development Plan 2013 to 2019. The plan sets out its rural housing policy in Chapter 4 as indicated on Map No. 6 the site at Kereight, Ballyhoge is located in an area which is identified as a Stronger Rural Area. The following objectives are of relevance:

5.1.2. Objective RH03

- To facilitate the development of individual houses in the open countryside in 'Stronger Rural Areas' in accordance with the criteria laid down in Table No. 12 and subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

5.1.3. Permitted development within Stronger Rural Areas under Table No. 12 include:

- "Housing for 'local rural people' building permanent residences for their own use who have a definable 'housing need' building in their 'local rural area'".
- 'Local rural people' are defined as people who were born or have lived for a minimum period of five years in that 'local rural area'. This includes people who have lived there in the past/returning emigrants. It also includes persons who were born or reared in such a 'local rural area' but that area is now within a settlement boundary/ zoned land. A local rural person also includes a person who has links by virtue of being a long term rural landowner or the son or daughter or successor of such a person.
- 'Local rural area' is defined as within a 15km radius of where the applicant has lived or was living. Where the site is of a greater distance but the applicant can demonstrate significant ties with the area for example immediate family or landownership then these applications will be considered on their merits. The 'local rural area' includes the countryside, Strong Villages, Smaller Villages and Rural settlements but excludes District towns, Larger Town, and The Hub.

- Such persons shall be defined as persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work. Such circumstances will normally include persons involved in full-time farming, horticulture, forestry or marine related activities as well as others who can demonstrate a genuine need because of their occupation to live in the rural area. Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation.

OR

- Bone fide applicants who are not considered eligible under the preceding categories may be considered as qualifying to build a permanent home in the rural areas, subject to being able to satisfy the Planning Authority of their commitment to operate a full time business from their proposed home in a rural area, as part of their planning application, in order for example, to discourage commuting to towns or cities. Applicants must be able to submit evidence that:
 - their business will contribute to and enhance the rural community in which they seek to live and
 - that they can satisfy the Planning Authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage those that are not location specific (e.g. telesales or telemarketing) i.e. that they are serving a need in their local rural area.

5.1.4. Objective RH09

To ensure that the rural houses are of high quality design and well sited in the landscape.

5.1.5. Section 17.7 of the Development Plan refers to Rural Design Guide

5.2. Sustainable Rural Housing Development Guidelines

- 5.2.1. The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with

proximity to the immediate environs or close commuting catchment of large cities and towns and Stronger Rural Areas which are defined as areas where population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.

5.3. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.3.1. 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. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, the provision of single housing in the countryside will be subject to siting and design considerations, having regard to the viability of smaller towns and rural settlements

5.4. Natural Heritage Designations

- 5.4.1. The nearest Natura 2000 sites are;
- Wexford Harbour Slobs SPA (Site Code: 004076) is located 3km to the east.
 - Slaney River Valley SAC (Site Code: 000781) is located 3km to the east.

5.5. EIA Screening

- 5.5.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive 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

A first party appeal was submitted by Stephen Treacy & Catriona Nangle. The issues raised are as follows;

- In relation to the first reason for refusal the applicants submit that the Planning Authority did not fully take into consideration the criteria set out in Table no. 12 of the Wexford County Development Plan 2013-2019.
- Table no. 12 of the Plan sets out that housing is permitted for 'local rural people' building a permanent residence for their own use, who have a definable housing need.
- Local rural people for both 'Rural Areas Under Strong Urban Influence' and 'Stronger Rural Areas' are defined as including people who were born or rear in such a 'local rural area' but that area is now within a settlement boundary/zoned lands.
- The applicant Catriona Nangle's homeplace at Blackstoops is located in the outskirts of Enniscorthy town. It is stated that prior to the 1992 Development Plan it was considered to be outside the town.
- The report of the Planning Officer stated that "the fact that Blackstoops was not zoned in the 1992 Development Plan is not relevant for the purposes of establishing compliance with the current rural housing policy for the area".
- The appellants contend that the status of Catriona's parents house during the time she grew up there should be assessed in deciding whether or not Catriona is considered as 'local rural people'. It is submitted that Table no. 12 of the Development Plan makes it clear that the historic status is a relevant consideration.
- The applicants are currently living in rented accommodation at a location which is situated in a "Rural Area under Stronger Urban Influence" which is located approximately 6km to the north of the site.

- Regarding the second reason for refusal the report of the Planning Officer described the proposed dwelling as a 'log cabin dormer design'.
- The appellants state that this is not an accurate description of the proposed house design. The proposed design is a modification of the factory built timber passive house design by Scandinavian Homes, Moycullen, Co. Galway.
- The proposed dwelling is of timber frame construction and the applicants' preference is a painted timber clad external finish. The cladding type proposed is Accoya acetylated wood. It is noted that this type of timber cladding has been used on other houses in the electoral district.
- Notwithstanding the preference of the applicants, the house could be constructed with a rendered finish.
- It is stated in the Planner's report that 'the north elevations fronting the public road provide a poor frontage to the public road with little balance between solid and void and an over emphasis on the roof'. The proposed house is designed to passive specification which requires that windows and doors on the north facing elevation be kept to a minimum in order to reduce heat loss. The roof design also includes 400-500mm of insulation to meet the passive specification which results in it being more prominent than a traditional design.
- It is submitted that the proposed dwelling is modest in size and that it is situated back from the road and also below the level of the road due to the topography of the area. The applicants consider that the matter of visual intrusion could have been dealt with by conditioning suitable landscaping.
- The site would be almost entirely planted with a mix of native hardwoods, with particular emphasis on fast growing varieties including willow and alder.
- The passive house design has very little supplementary heating requirement with most provided by solar. The applicants intend to plant circa half an acre coppice willow which would be used for biomass heating for the dwelling.
- The applicants confirm that they would be amenable to revising the house design, in particular the north elevation should this be required to address visual concerns.

- In conclusion, the applicants submit that they comply with the provisions of Development Plan in respect of rural housing policy. Furthermore, they state that they are willing to revise the proposed design of the dwelling should this be required by the Board.

6.2. Planning Authority Response

- None received

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Rural housing policy
- Siting and design
- Appropriate Assessment

7.1. Rural Housing policy

- 7.1.1. The site is located in the townland of Kereight (E.D. Ballyhoge), Ballyhoge, Co. Wexford an area designed as a 'stronger rural area' in the indicative map attached to the Sustainable Rural Housing Guidelines (DOEHLG 2005). These areas are described as having stable populations within a well-developed town and village structure. The guidelines recommend that County Development Plans develop policy to address the housing of needs of those who wish to live in the country side.
- 7.1.2. Section 4.3 of the Wexford County Development Plan 2013-2019 refers to Sustainable Rural Housing, it includes Map 6 which also designates the area where the site is located as being within 'Stronger Rural Areas'.
- 7.1.3. Objective RH03 of the Development Plan refers to houses in 'Stronger Rural Areas' it advises that the development of individual houses in the open countryside will be facilitated subject to the criteria laid down in Table No. 12 and subject to compliance

with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

- 7.1.4. The criteria in Table no. 12 are, inter alia, that applicants should be local rural people who have been born and/or lived in the area for five years, including returning emigrants. It also includes persons who were born or reared in such a 'local rural area' but that area is now within a settlement boundary/ zoned land. Local persons are those who are long-term rural landowners, or sons or daughters or successors of such persons. Additionally, persons who have an employment related need to live in a specific rural area or who will operate a business from their home should be facilitated.
- 7.1.5. In relation to 'Stronger Rural Areas' the 'Local rural area' is defined as within a 15km radius of where the applicant has lived or was living. Where the site is of a greater distance, but the applicant can demonstrate significant ties with the area for example immediate family or landownership then these applications will be considered on their merits. The 'local rural area' includes the countryside, Strong Villages, Smaller Villages and Rural settlements but excludes District towns, Larger Town, and The Hub.
- 7.1.6. The applicants are Stephen Treacy & Catriona Nangle. They are currently living in rented accommodation circa 6km to the north of the appeal site. As detailed on the planning application form they are not first-time buyers as they own an apartment in Dublin and they do not own the subject site as they are prospective purchasers. In relation to the matter of employment as set out application both applicants are employed in civil and public service jobs based in Wexford.
- 7.1.7. The applicant Catriona Nangle makes the case that she was born and raised in Blackstoops, which is located in the outskirts of Enniscorthy town. The applicant's family home at Blackstoops is situated over 12km as the crow flies from the appeal site at Kereight (E.D. Ballyhoge). The family home at Blackstoops is situated within the town of Enniscorthy. It is stated in the appeal that prior to the 1992 Wexford Development Plan it was considered to be outside the town. As indicated on the map submitted with Appendix A with the application, the location of the applicant's family home at Blackstoops was located in the environs of the defined urban boundary of the town of Enniscorthy. Accordingly, I would concur with the

assessment of the Planning Authority that the applicant Catriona Nangle is from Enniscorthy town which is defined as a Larger Town in Section 3.4 of the Development Plan which refers to Settlement Strategy.

7.1.8. The applicants have not demonstrated that they have a housing need for the specific area, the applicants do not own the site nor are they the son or daughter of the landowner, their employment is not related or proposed to be related to this specific area and I conclude therefore that the application has not demonstrated that it falls into a category provided for in objective RH03 or Table no. 12 of the Development Plan.

7.1.9. In conclusion, based on the documentation submitted as part of the application and appeal, I am not satisfied that the applicants have demonstrated that they come within the scope of the rural-generated housing need criteria for a house in this rural location, having regard to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is indicated that it is policy to distinguish between rural-generated housing need and urban-generated housing need in a stronger rural area (such as applies in this instance) and accordingly considered that the proposed development would represent urban-generated rural housing.

7.2. Siting and design

7.2.1. The second refusal reason issued by the Planning Authority refers to the design of the proposed development. It stated that by virtue design and external finishes together with the open nature of the site that it would result in an incongruous form of development which would appear visually prominent on the site. It was concluded that it would be contrary to Section 8.12.2 and Objective L04 of the Wexford County Development Plan 2013-2019.

7.2.2. Section 17.7 of the County Development Plan refers to the rural design guide and section 18.12.2 includes development management standards for individual rural houses, including design and siting requirements. Objective L04 requires that all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.

- 7.2.3. The applicants are seeking permission for a dormer house with an overall gross floor area of circa 149.8sq m and a height of circa 7.7m. The houses in the immediate vicinity are a mix of single storey and dormer. The proposed dwelling would be sited relatively close to the public road with a setback of circa 21.5m. This is an increased set back from the neighbouring house to west which is setback 12m from the public road. The proposed single storey garage would be setback 10m from the public road.
- 7.2.4. The proposed house design features a pitched metal clad roof and is of timber frame construction. The cladding type proposed is Accoya acetylated wood. The appellants state that their preference is painted timber clad external finish, however they are amenable to having a rendered finish should it be required by condition.
- 7.2.5. The northern elevation which addresses the public road features 3 no. small windows at ground floor and the roof occupies a larger area than the main body of the house. The main entrance to the dwelling would be accommodated within a small lobby which would project forward 1.5m of the front building line. The report of the Planning Officer stated that north elevation fronting the public road provides a poor frontage to the public road with little balance between solid and void and an over emphasis on the roof.
- 7.2.6. The appellants in response to the matter stated that due to the proposed passive house design it requires windows and doors on the north facing elevation to be kept to a minimum in order to reduce heat loss. The roof design also includes 400-500mm of insulation to meet the passive specification which results in it being more prominent than a traditional design.
- 7.2.7. Accordingly, in terms of the design of the front elevation, while I note that the roof occupies a marginally larger area than the main section of the house, given the proposed pitched roof design and absence of dormers or other features to the front roof plane, I do not consider that it would appear unduly visually obtrusive.
- 7.2.8. I do not consider that the site is prominent and exposed vis a vis the R730 to the west. The proposed dwelling would be primarily visible from close range views along the local road in the vicinity. Accordingly, I consider that the proposed siting of the house would be acceptable, as it uses the existing roadside and field boundaries. Additional landscaping is proposed along the western boundary which will screen the

proposal from the R730 and also the neighbouring dwelling. Landscaping is also proposed to the north-east of the dwelling, this will provide screening of the property from close range views on the local road to the north, I consider this acceptable. Accordingly, having regard to the foregoing, and in light of the site context, including the screening offered by the surrounding landscape and other features, I am satisfied that the proposal will not unduly impact on the visual amenity of this rural area.

7.3. Appropriate Assessment

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

8.0 Recommendation

- 8.1. It is recommended that permission be refused permission for the reason set out below.

9.0 Reasons and Considerations

1. The site of the proposed development is located within a stronger rural area 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, and also as set out in Map no. 6 of the Wexford County Development Plan 2013 – 2019, in an area where housing is restricted to persons demonstrating social and economic local need, in accordance with the provisions of the Ministerial Guidelines and in also accordance with the provisions of Section 4.3 of Wexford County Development Plan 2013 – 2019, which refers to Sustainable Rural Housing and Table No. 12 which sets out the criteria for individual rural housing. Having regard to the proximity of existing settlements to the subject site and 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 applicants do 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, having regard the provisions of the current Wexford County Development Plan, and would be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

24th of May 2019