



An
Bord
Pleanála

Inspector's Report ABP 303710-19

Development	House, garage, bored well, wastewater treatment plant, site works.
Location	Crosslow, Tullow, County Carlow.
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	18455
Applicant(s)	Eddie Gorman/Ciara Edwards
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	Applicant v Refusal
Appellant(s)	Eddie Gorman/Ciara Edwards
Observer(s)	None
Date of Site Inspection	15 th April 2019.
Inspector	Hugh Mannion

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1.0 Site Location and Description

1.1. The application site has a stated area of 0.4038ha and is in a rural area about 1.5kms to the south east of Tullow town centre in County Carlow. The site is part of a tillage field which already accommodates a single bungalow in its north-western corner. The proposed development will access a narrow single lane cul de sac which accommodates about 20 houses. The southern and eastern boundaries are undefined. The western boundary is shared with the house to the west which was once part of the original field and comprised a hedge. An earth bank topped with brambles/shrub provides the roadside boundary.

2.0 Proposed Development

2.1. Construct a house, garage, bored well, wastewater treatment plant, site works at Crosslow, Tullow, County Carlow.

3.0 Planning Authority Decision

3.1. Decision – refuse permission

1. The area is under pressure for residential development because of its proximity to Tullow town and would contravene the rural housing policy set out in the Carlow County Development Plan 2015-2021.
2. The proposed development would have a detrimental impact on the rural character of the area and be contrary to the rural housing policy set out in the Carlow County Development Plan 2015-2021.
3. The proposed development would exacerbate an excessive density of random on-off housing, militate against the preservation of the rural environment, lead to demands for the uneconomic provision of public services and be contrary to the Carlow County Development Plan 2015-2021.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports:

The **Environment Section** recommended a grant of permission subject to adequate treatment of surface water and domestic effluent discharge to comply with the EPA code of practice.

The **Fire Officer** reported no objection.

The **Transport Department** reported no objection on traffic safety grounds subject to prevention of surface water entering the public road.

Water Services reported no objection and noted that there are no water services in the area.

Irish Water reported no objection. Noted that there are no water services in the area.

Area Engineer reported no objection.

4.0 Planning History

PL18/420 Permission refused for house on an adjoining site in the same field for similar reasons as in the present case.

PL09/80 Permission granted on the site of PL18/420 for house but not constructed.

PL08/608 Permission refused for a house on the same site as PL18/420 for conflict with rural housing policy.

5.0 Policy Context

5.1. The **National Planning Framework** provides certain objectives in relation to spatial planning policy. National Policy Objective 19 is to;

5.2. 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.

5.3. The **Sustainable Rural Housing Guidelines for Planning Authorities (DOEHLG 2005)** advise that planning authorities should incorporate policies in relation to rural housing in their development plans. A distinction should be made between rural and urban generated housing needs. Planning authorities should have regard to the National Spatial Strategy (NSS) particularly its designation of rural areas as being under strong urban pressure for housing arising from proximity to cities and bigger towns, structurally strong areas with stable population levels, structurally weak areas demonstrating population decline and areas with clustered settlement patterns especially in western counties.

5.4. **Development Plan**

5.5. The Carlow County Development Plan 2015-2021 is the relevant county development plan for the area. The County Development Plan sets out a core strategy in table 2.4 and maps the settlement hierarchy on map 2.3. Carlow is designated the county town, Tullow and Muinebheag/Bagnelstown are district towns. Borris, Hacketstown, Rathvilly, Ballon, Leighlinbridge and Carrigduff are smaller towns and there are 17 villages. The core strategy sets as objectives

- Allow the sustainable development of rural areas of the county.
- Allow the sustainable growth of the District Towns, smaller settlements and rural areas within the County.
- Avoid the overprovision of zoned lands.
- Avoid the potential of unsustainable leapfrogging of undeveloped lands'
- Avoid the pressure for excessive development in un-serviced areas.

- Ensure that adequate land is zoned to more than meet 1.5 times the population targets set in the RPG's.

5.6. **Natural Heritage Designations**

Not relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The applicants have significant family connections with the area.
- The proposed house will not be visually intrusive compared with the 2 and 1.5 storey nearby existing houses.
- The agricultural field of which the application site forms part accommodates 3 houses which not be adversely affected by the proposed house.
- The proposed entrance is on a straight stretch of road with only one other residential access. The proposed development will not impact negatively on road users.
- The proposed development, taken in conjunction with existing houses, will not comprise over-development of the area.

6.2. Section 2.7.1.4 of the County Development Plan establishes several categories of persons who may be favourably considered when considering planning applications for housing in the countryside.

6.3. **Planning Authority Response**

- No response.

6.4. **Observations**

- No observations.

7.0 Assessment

7.1. I consider that the main issues in this appeal are those referenced by the planning authority's reasons for refusal. I will also address traffic hazard.

7.2. Rural Housing Policy

7.3. The application site is located in an area designated as a 'stronger rural area' as illustrated on the NSS Rural Area Types map attached to the Sustainable Rural Housing Guidelines for Planning Authorities (DOEHLG 2005). The guidelines describe these areas as having a well-developed town and village structure supported by a strong agricultural base.

7.4. The Carlow County Development Plan 2015-2021 is the relevant county development plan for the area. The County Development Plan sets out a settlement hierarchy in table 2.4 and maps the settlement hierarchy on map 2.3. Carlow is designated the county town, Tullow and Muinebheag/Bagnelstown are district towns. Borris, Hacketstown, Rathvilly, Ballon, Leighlinbridge and Carrigduff are smaller towns and there are 17 villages. The core strategy (paragraph 2.4.7) sets as objectives:

- Allow the sustainable development of rural areas of the county.
- Allow the sustainable growth of the District Towns, smaller settlements and rural areas within the County.
- Avoid the overprovision of zoned lands.
- Avoid the potential of unsustainable leapfrogging of undeveloped lands.
- Avoid the pressure for excessive development in un-serviced areas.
- Ensure that adequate land is zoned to more than meet 1.5 times the population targets set in the RPG's.

7.5. The application site is not within any of the settlements designated in the County Development plan. Map 2.3 in the County Development Plan follows the advice of the Sustainable Rural Housing Guideless and designates most of the county as an area under strong urban influence. Section 2.7.1.4 of the County Development Plan establishes several categories of persons who may be favourably considered when considering planning applications for housing in the countryside. One of the criteria

set out in Section 2.7.1.4 states that applicants must have rented in 'the local rural area' for not less than three years to be considered eligible for one-off rural house.

7.6. The grounds of appeal state that the applicants comply with the rural housing need criteria set out in the county development plan. The application form submitted with the planning application states that the applicants are not engaged in agriculture, are not members of a farming family, are not engaged in forestry, horticulture or inland waterways but have rented a house in Glendale Estate off Shillelagh Road, Tullow for 4.5 years.

7.7. Glendale Estate is a housing development to the north of Shillelagh Road/R725 about 2kms from the application site. Having regard to the distance between the application site and the Glendale Estate, to the lack of specific connection between the application site and the applicants I conclude that the application has not established that it arises from a rural generated housing need which falls into any of the categories for consideration of one-off rural housing set out in the Sustainable Rural Housing Guidelines or Section 2.7.1.4 of the current Carlow County Development Plan.

7.8. **Rural Character.**

7.9. Crosslow lane accommodates about 20 houses. These are a mixture of single and two storey units. The field of which the application site forms part accommodates a bungalow and associated out buildings. Opposite this bungalow and opposite the application site are two dormer bungalows and two 2 storey houses and further down the lane are a further two 2 storey houses. The application proposes a domestic waste water treatment system and will take water from a bored well. While there is extensive evidence of suburbanisation of the area probably related to its proximity to Tullow I agree with the planning authority that the proposed development would seriously injure the amenity of this un-serviced rural area and undermine its rural character.

7.10. **Random Rural Housing Development.**

7.11. The Carlow County Development Plan sets out a settlement strategy as part of its core strategy for development within the county. The core strategy (see section 2.5.7 of the plan) includes aims to allow the sustainable growth of the District Towns, smaller settlements and rural areas within the County, avoid the potential of

unsustainable leapfrogging of undeveloped lands and avoid the pressure for excessive development in un-serviced areas.

- 7.12. The proposed development is located in an un-serviced rural area on un-zoned lands. Crosslow lane is inadequate in width and alignment to accommodate additional traffic movements and is without footpaths, pedestrian crossings, public lighting, or a median line. There is extensive housing in the immediate area of the site some of which appears to be unrelated to agriculture or other rural related occupations. The planning authority make the point that proximity to the Tullow has led to pressure for housing development on this lane. I conclude that the proposed development would contribute to an excessive density of unsustainable random one-off rural housing which would consolidate an undesirable pattern of development, lead to demand for the uneconomic provisions of public services and community facilities and would contravene the core strategy set out in the current Carlow County Development Plan.
- 7.13. **Traffic safety.**
- 7.14. The planning authority's Transportation Department reported in this case and commented that Crosslow lane has a traffic loading of about 250 vehicles per day (this may be a typographical error), that proposed sightlines at the site entrance are adequate and there would be no material change to the public safety risk on the lane.
- 7.15. Crosslow lane serves about 20 houses. It is a narrow single lane poorly surfaced rural road which is without footpaths, public lighting, bicycle paths, pedestrian crossings or a median line. The roadside verges indicate use by passing motor vehicles. There is a sharp turn around the corner of the original field of which the application site forms part where sightlines are restricted. The sightlines illustrated at the application drawings at the site entrance are achieved by the removal of almost the entire roadside hedge along the site frontage and the roadside boundary of adjoining lands which the application has not established the applicant has control of. The junction of Crosslow lane to the west with the public road which links to Tullow town centre is at a point where there is a continuous solid white medial line, an 80kph speed limit and where there are no footpaths in either direction.

7.16. I conclude that the proposed development would endanger public safety by reason of traffic hazard.

7.17. **Appropriate Assessment**

7.18. Having regard to the very modest scale of the proposed development and the foreseeable emissions therefrom 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.

7.19. **Environmental Impact Assessment Screening**

7.20. Having regard to nature of the development comprising a single dwelling 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.

8.0 **Recommendation**

8.1. I recommend permission be refused.

9.0 **Reasons and Considerations**

1. Having regard to the location of the site within Stronger Rural Area as identified in 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 current Carlow Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area 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.

2. Taken in conjunction with existing housing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in the core strategy and settlement hierarchy set out in the current Carlow County Development Plan, to encourage growth of towns and smaller settlements and to avoid excessive development in un-serviced rural areas. This objective is considered reasonable. The proposed development would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed, would materially contravene an objective of the planning authority set out in the County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The application site is served by a substandard road network which is inadequate in width and alignment and is without a median line, footpaths, cycle paths, public lighting and pedestrian crossings. The proposed development would give rise to additional traffic movements on this substandard road network and would, therefore, endanger public safety by reason of traffic hazard.

Hugh Mannion
Senior Planning Inspector

25th April 2019