



An
Bord
Pleanála

Inspector's Report ABP-304306-19.

Development	Outline permission for dwelling.
Location	Coolnahorne, Enniscorthy, County Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20190128.
Applicant	John G. Murphy.
Type of Application	Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellant	As above.
Observer	None.
Date of Site Inspection	11 th July 2019
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by the applicant against the decision of the planning authority to refuse **outline planning permission** for a single dwelling in a rural location north of the town of Enniscorthy in County Wexford. It was refused outline permission for three stated reasons, relating to settlement strategy, pattern of development, and visual impact.

2.0 Site Location and Description

2.1. Coolnahorna

Coolnahorna townland is located 4km north of the town of Enniscorthy, and just under 1km west of the junction of the N80 and N11 in open countryside in central county Wexford. The townland is a mix of agricultural land, mostly in pasture with some arable and occasional scrub. Its predominant feature is a long ridgeline at its maximum 80 metres AOD running south-south-west, with the Slaney River Valley immediately to the east. The area is served by a single third class country L-road which runs south-west from the N80, more or less following the spine of the ridge for 3 km before terminating in the village of Milehouse. Settlement consists of occasional farmsteads with scattered houses along the road on either side, most taking advantage of fine views east over the Slaney Valley.

2.2. Appeal site.

The appeal site, with a site area given as 0.508 hectares, is an irregularly shaped elongated area of arable land and gorse scrubland on the west side of the L-road running through Coolnahorna. It is at a local highpoint, just over 80 metres AOD, with an aspect to both east and west. It is bounded to the road by a hedge and ditch. The site suitability form attached indicates that the site has approximately 1.4 metres of loamy soil and drift till over a layered shale/siltstone bedrock. Part of the site was apparently used as a quarry in the early 1990's, this part of the site is now heavily overgrown with gorse scrub.

North-east, north, and north-west of the site is open countryside and land in scrub, forestry, and arable/grazing use.

East of the site is the main road, with a small dwelling on lower ground on the north-east side.

South of the site is a narrow lane serving a farm complex some 400 metres to the west of the site. South of this lane is a series of five bungalow dwellings along the main road, with one additional empty plot. There are further dwellings intermittently further south.

3.0 **Proposed Development**

The proposed development, submitted in outline, is for a dwelling-house with associated infrastructure.

4.0 **Planning Authority Decision**

4.1. **Decision**

The planning authority decided to refuse for three reasons, in summary:

- It is contrary to settlement policy within a 'Stronger Rural Area' and the applicant has failed to substantiate their rural housing need.
- It would extend the existing pattern of linear development along the road, contrary to Section 18.12.1 of the CDP.
- Its location would be visually prominent and would hard the visual amenities of the area and thus be contrary to Section 18.12 and Objective L04 of the CDP.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

- Notes the past use of part of the site as a quarry.
- States that the site is within a 'Stronger Rural Area', relevant policy applies.
- Notes AA Screening Report – no EIA or AA required.

- Notes that applicant is seeking to downsize from the existing large farmhouse and immediate family members will remain in the house while the applicant retires. The applicant has resided on the landholding for 38 years.
- Notes very visually prominent location of the site.
- Concludes that the applicant has not demonstrated sufficient need in accordance with policy.

4.2.2. Other Technical Reports

Senior Executive Scientist: Recommends permission subject to conditions.

Chief Fire Officer: Notes Building Regulation requirements.

4.3. Prescribed Bodies

None on file.

4.4. Third Party Observations

None on file.

5.0 Planning History

The planning authority states that a permission for the sites use as a quarry was granted in **890865**, this use apparently expired by 1993.

There are a number of permissions referred to in the planning report for dwellings in the vicinity.

6.0 Policy Context

6.1. Development Plan

The site is in open countryside without any specific zoning designations in the Wexford County Development Plan 2013-2019. It is considered by the planning authority to be a 'Stronger Rural Area' (Section 4.3.3.2 of the CDP). Relevant extracts are attached in the appendix to this report.

6.2. Natural Heritage Designations

There are no Natura 2000 sites on or in the immediate vicinity of the site. The Slaney River SAC (000781) is approximately 1km to the east of the site.

7.0 The Appeal

7.1. Grounds of Appeal

- The applicant outlines his background – he farms the land and intends to downsize leaving the main farmhouse to the next generation. The site was chosen to avoid impacting on local neighbours and to not interfere with the working of the farm.
- It is argued that within ‘Strong Rural Areas’ development can be permitted for a number of reasons (Table 12 of the Development Plan). It is argued that applicant has demonstrated a long residence in the local area and has a genuine rural generated housing need.
- It is argued with regard to the pattern of development that the site was carefully chosen in order not to interfere with the existing farm activities and as such it is the most optimal site, notwithstanding the other dwellings along the road.
- It is argued that with appropriate landscaping and the use of the former quarry access using cut and fill, the proposed dwelling would not be obtrusive.
- In summary, it is argued that the applicant is a local farmer and long time resident and as such qualifies for the exemptions set out in the development plan, and the site chosen is the optimal one to minimise local impacts.

7.2. Planning Authority Response

The planning authority responded to the appeal acknowledging the points raised but reiterates the conclusions of the planners report.

8.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following general headings:

- Principle of development
- Pattern of development
- Visual impacts
- EIA and AA
- Other planning issues

8.1. Principle of development

Policy on rural housing is set out in Section 4.3 of the 2013-2019 Wexford County Development Plan. The house is within an area defined as 'Strong Rural Area' under the characterisation set out in the Sustainable Rural Housing Guidelines. It is close to the town of Enniscorthy and very close to a major new road junction (N80/N11) and there are numerous individual dwellings in the area, so I would consider this reasonable, although I would also consider that there is a strong argument that it could be considered to be 'under urban pressure', in particular now that the N11 has been upgraded and extended to bypass Enniscorthy.

The relevant policy objectives for such areas are RH03 and RH04:

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.

Objective RH04

To facilitate individual houses, other than those referred to in 'Stronger Rural Areas' in Table No. 12, in the existing settlements including those settlements defined in the settlement hierarchy as Strong Villages, Smaller Villages and Rural Settlements, subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

The housing need criteria are set out in Table 12 of the CDP. The criteria for 'Strong Rural Areas' is generally similar to 'Areas under Urban Pressure'. They essentially relate to those with a strong demonstrated connection to the area and a need to live in the specific area.

The applicant is undoubtedly a 'local person' as he is the farmer on the land – the stated need for the dwelling is that he wishes a retirement dwelling on the land while handing on the farmhouse to the younger generation. There is no specific exemption for such circumstances set out within Table 12, although arguably it is written in such a general way to allow for some specific family circumstances.

I would consider that there is some leeway within both national guidance and the CDP to accept that in some circumstances such additional dwellings are consistent with policy, although the general thrust would be to direct such additional dwellings to existing settlements. I would note however that there is no demonstrated economic or social need for the proposed dwelling and as such I would concur with the conclusion of the planning authority that there is a general policy principle against such a dwelling in this area.

8.2. Pattern of Development

Ribbon development is defined in the Sustainable Rural Housing Guidelines generally as five dwellings along 250 metres of road frontage. There are already five dwellings in a more or less continuous row 250 metres in length south of the appeal site – if granted, the proposed development would be number six, with a number of possible infill sites. As such, it represents an unacceptable pattern of development in a rural area some distance from any village or town.

The applicant has argued that this is the optimal site within the landholding, but I find it hard to concur with this – the existing farmhouse is accessed via a lane to the west and I concur with the general point suggested by the planning authority that if the principle of a dwelling on the landholding was acceptable, then the most appropriate site would be closer to the existing farmhouse, and accessed via the existing lane.

8.3. Visual impacts

The area is on a prominent ridge extending south-west from a curve in the Slaney. There are fine views from the road east over the Slaney Valley, and there are equally fine views from the site to the north and west. The overall landscape is typical of inland Wexford – attractive lush rolling countryside, albeit not within any areas specified for protection or close to the most popular tourist areas of the county, and the road is not on a tourist route or otherwise designated as a scenic route.

The site is at a local high point along the ridge and is thus quite prominent, although houses on the opposite side of the road are generally more intrusive from the perspective of the local road as the main views are to the east. The existing levels of the lands appear to have been lowered due to previous quarrying works, and much of the site is now inaccessible due to a very thick growth of gorse and other scrub. I accept the point made by the applicant that locating the dwelling further back from the site along with appropriate landscape bunding could significantly reduce the impact. Notwithstanding this, having regard to the policy issues discussed above, I would concur with the conclusion of the planning authority that the potential visual impacts are unacceptable.

8.4. EIA and AA

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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.

The planning authority screened out the application for AA. The site is within 1 km of the Slaney River SAC (000781), a riverine SAC with a number of features of interest:

Estuaries [1130]

Mudflats and sandflats not covered by seawater at low tide [1140]

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]

Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]

Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]

Lampetra fluviatilis (River Lamprey) [1099]

Alosa fallax fallax (Twaiite Shad) [1103]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

Phoca vitulina (Harbour Seal) [1365]

The conservation objective of the SAC is to protect and enhance the qualifying interest habitats.

Although the site is within the watershed of the Slaney, due to the nature and scale of the proposed works and the absence of any nearby watercourses that could provide a pathway for pollutants, I concur with the conclusion of the planning authority that no NIS is required. I therefore consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000781, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.5. Other issues

The proposed access is directly to the main road at a point where there is a curve, although generally acceptable sight lines would appear to be achievable, although I would be concerned about the visual impact of the extent of works that would be required to construct a safe access. I would consider that if it was granted

permission an access to the existing lane south of the site would be preferable as there is a proliferation of accesses along this road with obvious safety implications.

The site is elevated and there are no watercourses on or adjacent to the site and no indications of possible flood risks in the area.

There are no recorded ancient monuments or other features of historic interest on or close to the site.

The applicant submitted a site characterisation form which indicated that the site is suitable for a septic tank or proprietary wastewater treatment plant. I note that the site was previously quarried, but the site assessment trial holes appear to have been excavated on parts of the 'natural' geology. It is unclear from the information available how much of the site was quarried and whether the quarried area is exposed rock or made ground. I would question whether the information available unambiguously confirms that the site is suitable for the disposal of wastewater to geology in accordance with EPA Guidelines due to its past history for extraction and if the Board was minded to grant permission I would recommend that a more comprehensive site characterisation study be carried out which identified the extent of suitable subsoil geology for wastewater disposal.

The proposed development would be subject to a S.48 Development Contribution under the adopted Scheme if granted outline planning permission.

9.0 Recommendation

I recommend that the decision of the planning authority be upheld and the proposed outline planning permission be refused for the following three reasons and considerations.

10.0 Reasons and Considerations

Having regard to the location of the site within a "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 Wexford County 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.

The proposed development would result in a linear development of 6 dwellings and as such would constitute undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.

The site is located in an elevated location close to the apex of a ridge and a dwelling on the site would thus likely break the skyline and so seriously injure the residential amenities and rural character of the area.

Philip Davis
Planning Inspector

13th August 2019