



An
Bord
Pleanála

Inspector's Report ABP-305102-19.

Development

Retain raised ground levels to form mounds for boundary landscaping. Planning permission is also sought for the construction of a split-level dwelling over garage.

Location

Lisanisk, Carrickmacross, Co. Monaghan.

Planning Authority

Monaghan County Council.

Planning Authority Reg. Ref.

19228.

Applicant

Michael Russell.

Type of Application

Retention Permission and Planning Permission.

Planning Authority Decision

Refused Retention Permission & Refused Planning Permission.

Type of Appeal

First Party.

Appellant

Michael Russell.

Observer(s)

1. Tony & Wilma O'Brien & Others
2. Ramona Tobin.

Date of Site Inspection

16th October, 2019.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular L-shaped appeal site has a stated area of 0.45ha and is located in the townland of 'Lisanisk', c1.5km to the east of centre of Carrickmacross and c300m from the N2 corridor, in County Monaghan.
- 1.2. The appeal site is accessed via an overgrown agricultural restricted in width strip of land that opens onto a combined entrance that provides a second entrance to a split-level dwelling that bounds part of the northern boundary of the site. This combined entrance opens onto a private restricted in width and poor in vertical as well as horizontal alignment road. This combined entrance is situated c50m to the south of a local road and c0.4km to the south east of the R179. Both roads are characterised by linear one off-dwellings. There is a dilapidated single storey container type structure located roughly midway along the strip of land that provides connection to the main site area. Part of the southern boundaries of this strip of land are porous and the adjoining dormer dwelling contains windows at both levels addressing it. In addition, part of the northern rear boundary of this property is porous and there are views into the rear amenity space from the eastern end of the strip of land.
- 1.3. The site is bound by one-off detached dwellings to the north and west. To the east and south the site is bound by grazing land. In the main site area, which has an irregular rectangular shape there is a recently constructed earthen mound that is of a restricted width. This mound runs in close proximity to the western boundary of the main site area and it is planted with a mixture of species including common laurel. The main site area is overgrown and despite its elevated nature the ground was spongy underfoot. The southern boundary consists of native hedgerow and the eastern boundary consists of posts and wire fencing. The ground levels of the site slope from the western boundary in an east to south easterly direction and the site benefits from panoramic views over the rolling drumlin landscape that includes vistas of Spring Lough.

2.0 Proposed Development

- 2.1. Retention permission is sought for raised ground levels to form mounds for boundary landscaping and planning permission is sought to construct a split-level

contemporary style dwelling over garage as well as the connection to existing foul public mains on site, new domestic entrance together with all associated site works.

- 2.2. According to the documentation on file the proposed dwelling consists of a 2-bedroom dwelling with a stated 136m² floor area and a 50m² garage served by 4 no. car parking spaces. It is proposed to connect the dwelling to the public mains water supply and public sewer/drain.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** the development sought for the following stated reasons:

“1. The subject site immediately borders the Carrickmacross Settlement Envelope (see Map CKDP1 of the County Development Plan 2019-25).

It is Council policy (see Policy CSP 6 of the County Development Plan 2019-2025) to consolidate settlements and retain their visual identity distinct from the surrounding countryside. Policy RCP2 of the County Development Plan 2019-2025 restricts new development which mars the distinction between the open countryside and the built up edge of the designated urban areas. Section 15.2.2 of the County Development Plan 2019-2025 endeavours to create compact urban centres and establish strong definition for the County’s towns by discouraging unnecessary development on the urban fringe.

Consequently, to permit the development as proposed would be contrary to the Monaghan County Development Plan 2019-2025 and would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is situated within an area that is identified as being under strong urban influence. The Monaghan County Development Plan, 2019-2025 states that in this area, applications for single dwellings will only be permitted where the development complies with one of the scenarios (a-h) outlined under Policy RSP 2.

Such compliance has not been explicitly demonstrated.

Accordingly, if permitted as proposed, the development would materially conflict with the Monaghan County Development Plan 2019-2025 and would be contrary to the proper planning and sustainable development of the area.

3. Regarding the integration of new houses into the countryside, Policy RHP 1 (and Table 15.4) of the Monaghan County Development Plan 2019-2025 states that such sites should have at least two natural existing boundaries to shelter the development and soften its impact.

On balance, the proposed site design/layout does not acceptably accord with Policy RHP 1.

Notwithstanding the to-be-retained mounding and the submitted landscaping plan, currently the site is insufficiently bounded, and the house would be insufficiently sheltered.

Accordingly, it is the opinion of the Planning Authority that the development would, if permitted as proposed, materially conflict with Policy RHP 1 of the Monaghan County Development Plan 2019-2025 and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

Engineering: No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. Irish Water: No objection.

3.4. Third Party Observations

3.4.1. The Planning Authority received several 3rd Party objections to the proposed development. The substantive issues raised correlate with those raised by the observers to this appeal in their submissions to the Board (See Section 6.4 below).

4.0 Planning History

4.1. Site and Setting:

4.1.1. None relevant.

5.0 Policy Context

5.1. National Planning Provisions

- **Project Ireland 2040 - National Planning Framework, 2018.**

Section 5.8 of this document states that: *“this Framework seeks to protect areas that are under strong urban influence from unsustainable over-development on the one hand, and to encourage population to be sustained in more structurally weak areas, that have experienced low growth or decline in recent decades, on the other, while sustaining vibrant rural communities.”*

National Policy Objective 15 is relevant. It states: *“support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities”.*

National Policy Objective 19 is relevant. It states: *“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”.*

- **Rural Housing Guidelines for Planning Authorities, 2005.**

The Rural Housing Guidelines seek to provide for the housing requirements of people who are part of the rural community in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with their

physical surroundings and generally be compatible with the protection of water quality, the provision of a safe means of access in relation to road and public safety and the conservation of sensitive areas.

5.2. Local Planning Policy Provisions

- 5.2.1. The applicable Development Plan is the Monaghan County Development Plan, 2019-2025, under which the site is situated outside of the settlement envelope of Carrickmacross on un-zoned land and on land identified as being under strong urban influence (Category 1 – Rural Areas Under Strong Urban Influence).
- 5.2.2. Section 2.8.1 of the Development Plan in relation to Category 1 - Rural Areas Under Strong Urban Influence states that: *“these areas exist around Monaghan, Carrickmacross, Castleblayney and Clones towns. They have been designated to support the sustainable growth of the urban areas, to provide for the immediate local rural community who have a genuine housing requirement and to direct urban generated housing into the designated settlements. Planning applications for single dwellings in these areas must comply with the criteria outlined in Policy RSP 2 and should be accompanied by a completed Rural Housing Application Form (Appendix 15). An occupancy condition as set out in the Sustainable Rural Housing Guidelines shall be attached to any grant of planning permission in these areas”*.
- 5.2.3. Policy RSO 3 is relevant. It states that the Planning Authority shall seek: *“to facilitate housing in rural areas under strong urban influence for those who have a rural generated housing need and to apply a presumption against urban generated rural housing development”*.
- 5.2.4. Policy RSP 2 is relevant. It states: *“applications for single dwellings in these areas will only be permitted where the development complies with one of the following;*
- a) The applicant is a landowner¹, or where the dwelling is for a member of his/her immediate family².*
 - b) The dwelling is for an individual who has lived in the local³ rural area⁴ for a minimum period of 5 years prior to the date of submission of a planning application.*
 - c) The dwelling is required to meet the needs of a person working in an established rural based agricultural, commercial, industrial or other enterprise in the local area,*

where the person derives his/her main income from that activity, or by a member of his / her immediate family. Such circumstances may also include other persons whose work is intrinsically linked to the local rural area (such as teachers in rural schools).

d) The dwelling is to facilitate a retiring farmer, where the applicant last worked principally as a farmer in the local area, or by a widow or widower of someone who last worked principally as a farmer in the local area.

e) The dwelling is required to facilitate site- specific and compelling special domestic or personal circumstances, where genuine hardship would result if planning permission were refused. In these circumstances the onus will be placed on the applicant to justify why other alternative solutions, such as a house extension, granny flat or mobile home, cannot be considered.

f) The dwelling is to replace an existing dwelling, where the dwelling to be replaced; was in use or last used as a dwelling; has not been changed to a dwelling from another use without planning permission; has not been vacant for a period in excess of 10 years prior to the date of submission of a planning application; exhibits all the essential characteristics of a habitable dwelling house and is reasonably intact.

g) The sympathetic change of use of a protected structure or a non-protected vernacular building (where the building is an important element in the landscape or of local architectural or historic merit) into residential use, where this secures its upkeep and survival, and the character and architectural or historic interest of the building would be preserved or enhanced. Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting. Improvements to protected structures will comply with policies as set out in Development Management Chapter 15 of the Monaghan County Development Plan 2019-2025.

h) The dwelling is for an emigrant who is returning to the local area, where he/she had previously lived for a minimum period of five continuous years.”

Note: Supplementary Advice on Policy RSP 2:

“1 For the purpose of this section a landowner is defined as an individual with a minimum landholding in the local rural area of two hectares (5 acres), which he or

she has owned for a minimum period of five years prior to the date of submission of a planning application.

2 Immediate family is considered to be a sibling, son or daughter, or adopted child of the landowner. Where the landowner's child(ren) have resided outside the state or N. Ireland for a minimum continuous period of ten years or where the landowner has no children, a niece/nephew maybe considered a landowner's family member.

3 For the purposes of this section, local area is defined as being within a radius of four kilometres.

4 For the purposes of this section, rural area is defined as outside the defined development limits of a settlement.”

5.3. Natural Heritage Designations

5.3.1. None within a 15km radius of the site.

5.4. EIA Screening

5.4.1. Having regard to the development sought under this application, the significant separation distance between the site and the nearest Natura 2000 site, 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:

- The site is in a serviced and if permitted it would result in urban sprawl or ribbon development.
- The proposed dwelling would not unduly visually impact on the surrounding area.
- The dwelling is for a returning emigrant.
- The applicant has owned the site for in excess of 40-years and he intends to live there with his wife.

- The proposed design and landscaping have had regard planning policy provisions.
- The dwelling is located in the most sheltered part of the site and the design seeks to create a traditional contemporary dwelling using a palette of traditional materials.
- All existing mature trees and hedgerows which bound the site are to be preserved and supplementary landscaping is proposed.
- The Planning Authority's decision was made based on a line on a map and not the suitability of the site.
- The Board is requested to overturn the Planning Authority's decision.

6.2. Planning Authority Response

6.2.1. No response received.

6.3. Observations

6.3.1. The observation made Ramona Tobin may be summarised as follows:

- The observer indicates that she is an adjoining property owner.
- The proposed development represents urban sprawl as it is located outside of the settlement boundary of Carrickmacross.
- The applicant has indicated the entire field in red and therefore a concern is raised that a grant of permission could result in the establishment of residential use for the entire field. In addition, the layout of the dwelling within the field lends itself for the inclusion of other dwellings within the field in the future.
- The artificial earthen berm has been installed the full length of the field and not just surrounding the proposed site.
- The proposed development is out of character with the surrounding area as houses in this area face onto the public road or a cul-de-sac laneway.
- The site is situated on land that is zoned as being under strong urban influence.

- The applicant does not comply with scenario RSP 2 (h) of the Development Plan. Evidence in the form of land registry show that the applicant is in the ownership of a 5-bedroom dwelling which is presently unoccupied in the immediate vicinity. This dwelling offers a legitimate and viable alternative location to reside in and immediately bars the applicant from qualifying for a rural one-off dwelling at this location. The applicant is also the land owner of 4 other properties in the town of Carrickmacross. Evidence in the form of land registry documents are provided.
- The proposed development is split level, yet the application indicates that the applicant would require singular level access throughout.
- An unauthorised berm was provided on this site in May 2018 with sapling hedging planted in February of 2019. These artificial mounds are not natural boundaries and contain immature planting that provide inadequate screening from the observer's property.

6.3.2. The observation made by Tony & Wilma O'Brien & Others can be summarised as follows:

- The proposed development, if permitted, would result in a serious visual, residential and environmental impact on the surrounding area.
- The applicant has not owned the site for in excess of 40-years and this is clearly indicated in his Folio which indicates it has been in his possession for 22-years only.
- The design has had total disregard to its setting and the proposed development would not nestle into its setting.
- The applicant is already in the ownership of the dwelling bounding the site as well as four other dwellings in the town.
- Concern is raised that more residential properties are proposed in the field in which the proposed dwelling is sited.
- The applicant does not meet the criteria to build a dwelling at this location.
- The proposed dwelling, if permitted, would impact on the observers access to sunlight and views.

- No licence was sought by the applicant for the removal of soil and these works to date have interfered with the surface water drainage of adjacent properties including percolation areas. It is contended that there were never any drainage issues until these earth works were carried out by the applicant.
- Concerns are raised that the site layout plans are not up to date and do not show extensions that have been carried out to properties in the vicinity of the site.
- Concerns are raised in relation to the conflicting erection date of the Site Notice and its location which was not visible from the public road.
- There is no precedent for dwellings being permitted in front of or behind other dwellings in this area. To permit such a development would result in an undesirable precedent.
- Concerns are raised that the newly planted hedgerow could interfere with existing infrastructure serving the observers property.
- The Board is sought to uphold the decision of the Planning Authority.

7.0 Assessment

7.1. Preliminary Comment

- 7.1.1. I first wish to make comment on the concerns raised by the observers in relation to the planning application documentation and the concerns raised in relation to the site notice.
- 7.1.2. In terms of validating a planning application this falls under the remit of the Planning Authority; however, having regard to the documentation submitted by the observers I do raise concerns that the applicant does not appear to have disclosed their ownership of a property to the immediate north of the access that serves the main site area.
- 7.1.3. It would appear that this property is in the applicant's legal interest and its folio of land includes the western end of the access from which the applicant proposes to serve the proposed dwelling house. If this property is not in the applicant's legal interest then the applicant is required under the Planning & Development Regulations, 2001, as amended, to submit the written consent of the owner to carry

out the works proposed to this access and its entrance onto a private road, in particular achieving required sightlines which are deficient in both directions with the sightline to the south being obstructed by the boundary treatments of the adjoining property. If this property is in the applicant's ownership, which I consider would appear to be the case by the evidence submitted by the 3rd Parties to this appeal, the applicant under this application is required to have indicated this legal interest in blue in the accompanying site layout drawing.

- 7.1.4. While I am cognisant that any decision on a planning application does not purport to determine the legal interests held by the applicants or indeed any other interested party and I acknowledge that Section 34(13) of the Planning and Development Act, 2000, as amended, states that: "*a person shall not be entitled solely by reason of a permission or approval under this section to carry out a development*"; notwithstanding, I consider that there appears to be conflict in whether the access lane forms part of the site area itself or whether it forms part of a separate land portfolio. In addition, the redline area of the site as indicated in the site plan has included land that is likely to form part of public road. In this instance case I raise it as a legitimate concern that the applicant appears to have not accurately reflected his ownership relative to the site and its immediate setting in the documentation provided with this application.
- 7.1.5. Based on the information on file and the lack of clarity provided by the applicant in relation to the actual landownership at this locality I am not satisfied that the applicant has demonstrated sufficient legal interest in the land to bring forward the proposed upgrade works to the access lane and its entrance.
- 7.1.6. I also raise it as a concern that it would appear that the planning application documentation provides misleading information in relation to the applicants requirements under Article 22(2)(ii) of the Planning & Development Regulations, 2001, as amended, and I am cognisant that Article 26 of the said Regulations indicates that planning applications must comply with Articles 18, 19(1)(a) 22 and as may be appropriate, Article 24 or 25.
- 7.1.7. In the absence of clarity on these matters it is my view that the Board is procedurally precluded from granting permission for the development sought under this application.

7.2. Introduction:

7.2.1. I consider that the key issues in determining the appeal are as follows:

- Compliance with Rural Housing Policy.
- Principle of the Retention of Planted Earthen Mound along Western Boundary.
- Residential Amenity Impact.
- Access.
- Services.

7.2.2. In addition, the matter of 'Appropriate Assessment' requires separate consideration.

7.3. Compliance with Rural Housing Policy

7.3.1. The appeal site is 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 Monaghan County Development Plan, 2019 to 2025. This is due to several locational factors including but not limited to its proximity to a number of large urban areas and its proximity to the N2 corridor which lies c300m to the west as the bird would fly.

7.3.2. I also note that the National Planning Framework, in particular, National Policy Objective 19, is relevant as it indicates that there needs to be a distinction made between areas under influence and elsewhere. In such areas it indicates that the provision of single housing should be facilitated based on the *proviso* of the core consideration of the demonstrable economic or social need to live in a rural area alongside siting and design criteria for rural housing being achieved. This National Policy Objective also seeks that regard to the viability of smaller towns and rural settlements should be had.

7.3.3. Policy RSO 3 of the Monaghan County Development Plan is of relevance to this application. It states that the Planning Authority shall seek: "*to facilitate housing in rural areas under strong urban influence for those who have a rural generated housing need and to apply a presumption against urban generated rural housing development*".

7.3.4. Based on national and local planning policy provisions I consider that there is a general presumption against the type of development that is proposed under this

application, i.e. a single dwelling house in an area designated as being under strong urban influence and outside the development boundaries of a settlement.

- 7.3.5. In relation to demonstrating that the applicant has a rural generated housing need it is incumbent for the applicant in such cases to demonstrate that they have a rural generated housing need.
- 7.3.6. The relevant County Development Plan policy is Policy RSP 2 which requires applications for single dwellings in areas under strong urban influence to demonstrate that they comply with one of the criteria it sets out. In this case criteria (a) to (g) are not applicable to the applicant and the applicants contend that their particular housing need under criteria (h) of Policy RSP 2. This criteria states: "*the dwelling is for an emigrant who is returning to the local area, where he/she had previously lived for a minimum period of five continuous years*".
- 7.3.7. It is likely that the applicant is a returning emigrant to this locality, but the documentation submitted with this application does not provide any clarity or sufficient evidence that proves beyond reasonable doubt that they have lived in this locality for a minimum of five continuous years in the past.
- 7.3.8. Of further concern it would appear from the substantive evidence provided by 3rd Parties that the applicant is an owner of multiple dwellings in the area including a detached dwelling adjoining the laneway serving the field in which the applicant proposes to build the proposed dwelling house.
- 7.3.9. I am therefore not satisfied that either applicant has demonstrated a genuine rural housing need by way of the documentation submitted with this application as opposed to a desire for a 'one-off' dwelling house at this location.
- 7.3.10. As such I consider that to permit the proposed dwelling house would not only conflict with local planning policy provisions, in particular Policy RSO 3 and Policy RSP 2 of the Development Plan, and, it would also conflict with National Policy Objective 19 as the applicant has not a demonstrable economic or social need to live in this rural locality as opposed to a desire for a one-off dwelling house at this location.
- 7.3.11. Moreover, it would appear that the applicant has a number of options in terms of their ownership of other dwelling houses adjoining and within the immediate town of Carrickmacross itself. To permit the proposed dwelling house would result in the

proliferation of single dwelling houses in an area under strong urban influence that already has suffered visual amenity diminishment from such developments.

7.3.12. Further, the applicant has chosen a location to build that despite being bound by dwellings on two sides is highly visible site due to its elevated nature. To permit the proposed dwelling house at this location, a location which could be defined as backland, would result in further erosion of the town and countryside distinction by blurring the defined settlement envelope of Carrickmacross. In turn this it would result in an undesirable precedent for other similar applications in the immediate vicinity of this settlements urban envelope.

7.3.13. I also consider that to permit the proposed dwelling house would be contrary to Policy HSP 18 having regard to the concerns raised in relation to the applicants need for a dwelling on un-zoned land outside of a settlement boundary that is under strong urban influence. This policy sets out that the Planning Authority has a presumption against extensive urban generated rural development, unsustainable speculative driven residential units in order to safeguard the potential incremental growth of the town and their potential beyond the plan period. This policy also seeks to utilise existing physical and social infrastructure and to avoid demand for the uneconomic provision of new infrastructure.

7.3.14. Based on the above, this in my view is substantive reasons in itself for the proposed dwelling component of this application to be refused planning permission as it is contrary to the proper planning and sustainable development of the area.

7.4. Principle of Retention of Planted Earthen Mound

7.4.1. The applicant also seeks retention permission for raised ground levels which have at some point in the recent past being formed into a long and restricted in width linear mound that have been subsequently planted with mixed hedging and planting species for the purposes of boundary screening.

7.4.2. Having visited the site I raise concerns that these works have been carried out in a very *ad hoc* manner; they include non-native species; they have resulted in a double hedgerow which is not maintainable from its western, i.e. the side adjoins the rear boundary of 5 residential properties; and, it has resulted in a boundary treatment that is at odds with its surrounding area as well as would result in an incongruous raised planted earthen mound that when viewed from low level land to the east and south

east of it. Thus, despite its present immaturity is out of character with both rural and the urban envelope boundary treatments at this locality.

- 7.4.3. I also note that the Development Plan in relation to rural dwellings indicate that new developments that require significant earth works to achieve integration will not be considered favourably and it also indicates that developments that break the skyline or those that are elevated on a drumlin that are considered as a prominent feature in the landscape will not be accepted (Note: Section 3.6.1 of the Development Plan). Further Table 15.4 of the Development Plan in relation to this type of development indicates that unsympathetic planting should be avoided.
- 7.4.4. Based on the above concerns I consider that to permit the retention of the planted earthen mound would result in the visual diminishment of the landscape setting and it is a type of development whose retention would be inconsistent with the spirit of the Development Plan. As such it would be contrary to the proper planning and sustainable development of the area.

7.5. Visual Amenity Impact

- 7.5.1. The site occupies a highly prominent and visible position within this drumlin landscape setting and while there are no protected viewpoints, scenic routes or protected structures within the immediate visual curtilage, the proposed development would and has entailed substantial earthen works. It would result in the provision of a backland split-level dwelling house that would be highly visible within its landscape setting particularly when viewed to the east, south and south east through to including the visual incongruity of the boundary treatments and landscaping for which retention is also sought under this application.
- 7.5.2. I also further consider that the landscaping scheme and boundary treatments are poorly thought and ineffectual in terms of lessening the visual impact of the proposed dwelling and its associated site works particularly having regard to the elevated nature of the sites position relative to the low-lying grounds to the east and south of it. From public and the private domain of these low lying grounds the proposed development would be highly legible and it is probable even if robust as well as site sensitive landscaping was conditioned it is likely that occupants of the proposed dwelling house would seek to maintain the panoramic views over this surrounding

rolling rural landscape which in its own right rural charm and character including picturesque views over Spring Lough.

- 7.5.3. It is also evident from the documentation submitted that this is the intention of the applicant having regard to the details submitted in relation to the boundary and landscaping interventions proposed.
- 7.5.4. Based on the above, I consider that the proposed development would result in a discordant, highly visible and obtrusive feature within its drumlin landscape setting. As such it would diminish the visual amenities of this setting in a manner that would be contrary to the proper planning and sustainable development of the area.

7.6. Residential Amenity Impact

- 7.6.1. Having regard to the documentation accompanying this application I consider that the proposed development, if permitted, would potentially give rise to a nuisance and privacy issue for the detached dwelling that adjoins the access road on its southern side due to the proximity of windows at ground and first floor level to this boundary.
- 7.6.2. Whilst planting is indicated on the Site Plan provided it is unclear what this would consist of and whether it would be sufficient to protect the established amenities of this property in terms of abating some of the noise and providing adequate year round screening to safeguard the privacy of occupants of this property including that of their private open space amenity to the rear which I observed is currently highly visible from this existing access.
- 7.6.3. In addition to this I consider that the earthen embankment in terms of its design and planting is poorly considered boundary treatment in this context and I note the concerns raised by the observers whose rear garden boundary adjoins it.
- 7.6.4. I consider that this earthen planted embankment is a visually incongruous addition to this drumlin landscape setting, and it has been provided in a manner that its maintenance along the western side would be difficult even in the short term due to its ad hoc construction, lack of adequate space and properly levelled ground levels. I also consider that the selection of hedge and tree planting is out of character with this locality and would do little to contribute to the local biodiversity of its setting.
- 7.6.5. Despite the concerns raised I consider that the substantive concerns that the proposed development would give rise to in terms of residential amenity impact

could be dealt with by way of appropriate worded condition. I do not consider that they are of sufficient planning merit to warrant a refusal of the proposed development based on residential amenity impact.

7.7. Access

- 7.7.1. The applicant seeks to use an existing, what appears to be agricultural access that is overgrown, has little evidence of use and is blocked towards its eastern end onto a restricted in width local road.
- 7.7.2. This entrance is setback from the road and serves to provide secondary vehicular access and egress to the detached dwelling house that bounds it on its northern side. It would also appear that from the existing agricultural gate to where the access road meets the south-eastern corner of the aforementioned adjoining property forms part of the land portfolio of this property. As discussed previously this matter alongside the land within the applicant's legal interest at this locality requires clarification. Notwithstanding, the restricted in width and poor in horizontal alignment road appears to serve a limited number of vehicles. However, sightlines are restricted from this access, particularly in a southerly direction and to permit an intensification of traffic usage without any improvements to the combined entrance serving the site from which sole access to the public road network is achieved has the potential to give rise to a traffic hazard and road safety issue for existing road users.

7.8. Services

- 7.8.1. I raise no significant issues in relation to the waste water and water supply for the proposed dwelling as the site benefits from easy connection to public infrastructure provisions.
- 7.8.2. In relation to surface water drainage I note that a number of soakpits are proposed but none are proposed along the accessway or does there appear to be provision for interception of potential pollutants, for example from vehicles accessing and egressing the site. I am cognisant that this concern could be overcome by way of appropriate worded condition should the Board be minded to grant permission for the dwelling house component of the development sought under this application.
- 7.8.3. On the matter of surface water and ground water movements on site I raise concern that the earthen planted embankments along the western and north eastern corner

of the site could potentially impact the natural movement of both having regard to the prominent location of the site near the top apex of a drumlin. I also note that concerns have been raised that these works have resulted in a diminishment of the proper and safe workings of the proprietary waste water system and their associated infrastructure in their vicinity. Should the Board be minded to grant retention permission for these works I consider it appropriate that further clarity is sought in relation to these concerns including clarity on these works relative to existing proprietary waste water treatment infrastructure in the vicinity of the site.

7.9. Appropriate Assessment

7.9.1. Having regard to modest nature 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.

7.10. Other Matters Arising

7.10.1. **Additional Dwelling Houses on the Appeal Site:** Concern is raised that the design, placement of the proposed dwelling house, the ability of the site to connect to public mains drainage and water supply together with the size of the site itself would lend itself to further residential development once the precedent for residential development has been deemed to be permissible by way of a grant of planning permission for the proposed dwelling house and by way of a grant of retention permission for the earthen planted embankments as the latter would establish a level of visual buffering for the proposed dwelling house as appreciated from neighbouring and adjoining properties.

In relation to this concern I refer to the fact that the site lies outside of the envelope of a settlement and it is on un-zoned agricultural rural land deemed to be under significant pressure for similar developments.

In general, there is a presumption against this type of development at such locations except in limited circumstances. As discussed, whilst I acknowledge the applicant has not satisfied that they meet the criteria for the type of development at this location it is reasonable and appropriate that any future similar proposed developments on the site would be considered on their planning merits.

8.0 Recommendation

8.1. I recommend that permission for the proposed development be **refused**.

9.0 Reasons and Considerations

1. Having regard to the site's location on un-zoned land outside of the settlement boundaries of Carrickmacross and on land that is identified as being under strong urban influence as defined under the Monaghan County Development Plan, 2019 to 2025, and as indicated under the Sustainable Rural Housing Guidelines for Planning Authority's, 2005, provision of housing is restricted to applicants with a defined rural housing need set out in the Development Plan under Policies RSO 3; RSP 2 and HSP 18. The applicants in this case have not submitted any substantive evidence to demonstrate compliance with the requirements of the said Development Plan policies. Therefore, the applicants have not demonstrated that they have a rural generated housing social and/or economic need based for a dwelling house at this locality. A locality that is recognised as being under strong pressure for this type of development and whose visual amenities has been diminished by the proliferation of such developments.

Furthermore, to permit the proposed development on land that is located in an area that is identified as being under strong urban influence, where it is national policy under National Policy Objective 19 of the National Planning Framework, to facilitate the provision of housing based on the core consideration of demonstrable economic or social need to live in a rural area, would conflict with this National Policy Objective.

Therefore, it is considered that as the applicants do not come within the scope of the housing need criteria as set out in the Monaghan County Development Plan, 2019 to 2025, and the national policy for houses at this type of location, the proposed development would be contrary to the policies set out both documents.

The proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that details of the development sought and as submitted in the documentation provided appear to provide materially different landownership

details in relation to the applicant's legal interest in the site and its setting. In the absence of clarity on these matters the Board is, therefore, precluded from granting permission for the proposed development.

Patricia-Marie Young

Planning Inspector - 17th day of November, 2019.